United Nations S/2006/998

Security Council

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19 December 2006

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Letter dated 14 December 2006 from the Secretary-General addressed to the President of the Security Council

I wish to inform the Security Council of my intention to extend, until 15 June 2007, the appointment of Serge Brammertz of Belgium as the Commissioner of the United Nations International Independent Investigation Commission into the assassination of former Lebanese Prime Minister Rafik Hariri established pursuant to resolution 1595 (2005). The International Criminal Court, where Mr. Brammertz is the Deputy Prosecutor for Investigations, has agreed to extend his leave of absence until that date.

I wish to take this opportunity to thank Mr. Brammertz for his leadership in advancing the investigation and for his commitment to providing continuity in the Commission's work.

(*Signed*) Kofi A. **Annan**

06-67083 (E) 201206

United Nations S/2006/999

Security Council

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Letter dated 19 December from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 14 December 2006 (S/2006/998) concerning your intention to extend until 15 June 2007 the appointment of Mr. Serge Brammertz as the Commissioner of the United Nations International Independent Investigation Commission into the assassination of former Lebanese Prime Minister Rafik Hariri established pursuant to resolution 1595 (2005) has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Nassir Abdulaziz **Al-Nasser**
President of the Security Council

06-67071 (E) 201206

United Nations A/61/647–S/2006/1000

General Assembly
Security Council

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General Assembly
Sixty-first session
Agenda items 13 and 14

The situation in the Middle East

Question of Palestine

Security Council
Sixty-first year

Identical letters dated 18 December 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to inform you of the number of Palestinian terror attacks carried out against Israel over the past week, in violation of the ceasefire that is in place.

From Sunday morning, 10 December 2006, until this morning, 18 December 2006, 11 Qassam rockets were launched by Palestinian terrorists in the Gaza Strip at Israeli communities in the south. Of those rockets, two landed in the town of Sderot. Buildings in the area were damaged by the falling rockets.

Palestinian terrorists are continuing their relentless campaign of Qassam rocket attacks in spite of the ceasefire agreed upon by Israeli Prime Minister Ehud Olmert and Palestinian Authority President Mahmoud Abbas nearly three weeks ago. Israel is exercising restraint in responding to these ceasefire violations, knowing that the terrorists are using the opportunity to rearm and plan future attacks.

Continued Palestinian terror, in particular the violation of the ceasefire principles, gravely threatens the prospects for peace and security in our region.

I would be grateful if you would arrange to have the text of the present letter circulated as a document of the sixty-first session of the General Assembly under agenda items 13 and 14, and of the Security Council.

(*Signed*) Daniel **Carmon**
Ambassador
Chargé d'affaires a.i.

06-66980 (E) 191206

United Nations S/2006/1001

Security Council

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Draft resolution

The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Welcoming the sustained progress made by the Government of Liberia since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Recalling its decision not to renew the measures in paragraph 10 of resolution 1521 (2003) regarding round log and timber products originating in Liberia, and stressing that Liberia's progress in the timber sector must continue with the effective implementation and enforcement of the National Forestry Reform Law signed into law on 5 October 2006, including the resolution of land and tenure rights,

Welcoming the Government of Liberia's continuing cooperation with the Kimberley Process Certification Scheme and noting Liberia's progress towards putting in place the necessary internal controls and other requirements in order to satisfy the minimum requirements of the Kimberley Process,

Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security through Liberia and helping the new Government establish its authority throughout the country, particularly in the diamond and timber-producing regions, and border areas,

Recognizing the need for newly vetted and trained Liberian security forces to assume greater responsibility for national security, and taking note of the need for Liberian armed forces to procure humanitarian, medical and/or training equipment,

Taking note of the report of the United Nations Panel of Experts on Liberia dated 20 December 2006 (S/2006/976), including on the issues of diamonds, timber, rubber, and arms,

Having reviewed the measures imposed by paragraphs 2, 4 and 6 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress towards meeting the conditions set out by paragraphs 5 and 7 of resolution 1521 (2003), and concluding that insufficient progress has been made towards that end,

Underlining its determination to support the Government of Liberia in its efforts to meet those conditions, and encouraging donors to do likewise,

06-67452 (E) 201206

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides*, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

(a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of this resolution;

(b) That the measures on arms imposed by paragraph 2 (a) and (b) of resolution 1521 (2003) shall not apply to supplies of non-lethal military equipment, excluding non-lethal weapons and ammunition, as notified in advance to the Committee established by paragraph 21 of resolution 1521 (2003), intended solely for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003;

(c) To renew the measures on diamonds imposed by paragraph 6 of resolution 1521 (2003) and renewed by paragraph 4 of resolution 1689 (2006) for an additional six (6) months with a review by the Council after four (4) months, to allow the Government of Liberia sufficient time to establish an effective Certificate of Origin regime for trade in Liberian rough diamonds that is transparent and internationally verifiable, with a view to joining the Kimberley Process, and calls upon the Government of Liberia to provide the Sanctions Committee, established according to paragraph 21 of resolution 1521 (2003) with a detailed description of the proposed regime;

(d) To review any of the above measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment;

2. *Notes* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force and reconfirms its intention to review these measures at least once a year;

3. *Encourages* the Government of Liberia to benefit from UNMIL's offer to provide joint patrols with the Forestry Development Authority with a view to strengthening Government control in forestry areas;

4. *Decides* to extend the mandate of the current Panel of Experts appointed pursuant to paragraph 5 of resolution 1689 (2006) for a further period until 20 June 2007 to undertake the following tasks:

(a) To conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the implementation, and any violations, of the measures imposed by resolution 1521 (2003) and renewed in paragraphs 1 and 2 above, including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521

(2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) To assess the impact of and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including particularly with respect to the assets of former President Charles Taylor;

(c) To assess the implementation of forestry legislation passed by the Liberian Congress on 19 September 2006 and signed into law by President Johnson-Sirleaf on 5 October 2006 and the progress and humanitarian and socio-economic impact of the measures imposed by paragraphs 2, 4 and 6 of resolution 1521 (2003) and renewed in paragraph 1 of resolution 1647 (2005);

(d) To report to the Council through the Committee by 6 June 2007 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before that date, especially on progress towards meeting the conditions for lifting the measures imposed by paragraph 6 of resolution 1521 (2003) and on progress in the timber sector since the lifting of paragraph 10 of resolution 1521 (2003) in June 2006;

(e) To cooperate with other relevant groups of experts, in particular that established on Côte d'Ivoire by resolution 1708 (2006) of 14 September 2006, and with the Kimberley Process Certification Scheme;

(f) To identify and make recommendations regarding areas where the capacity of States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);

5. *Requests* the Secretary-General to take the necessary measures, in this exceptional instance, to re-appoint the current members of the Panel of Experts as referred to in his letter to the President of the Security Council dated 27 June 2006 (S/2006/438) and to make the necessary financial and security arrangements to support the work of the Panel;

6. *Calls upon* all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate;

7. *Encourages* the Kimberley Process to inform, as appropriate, the Security Council through its Committee about any possible follow-up visit to Liberia and its assessment of progress made by the Liberian Government towards joining the Kimberley Process Certification Scheme;

8. *Decides* to remain actively seized of the matter.

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Security Council

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Letter dated 15 December 2006 from the Secretary-General addressed to the President of the Security Council

As the Security Council prepares to undertake the comprehensive review of the Counter-Terrorism Committee Executive Directorate foreseen in its presidential statement of 21 December 2005 (S/PRST/2005/64), I wish to follow up on my letter to the Security Council of 13 December 2005 (S/2005/817) in which I indicated my intention to review the reporting lines of the Counter-Terrorism Committee Executive Directorate.

This effort is aimed at better reflecting the spirit of Security Council resolution 1535 (2004) and the above-mentioned presidential statement, in which "the Security Council recalled that the mandate of the Counter-Terrorism Committee Executive Directorate flows from that of the Counter-Terrorism Committee and reaffirmed that the Committee has the sole responsibility for providing policy guidance to the Counter-Terrorism Committee Executive Directorate". At the same time, this exercise also reaffirms that responsibility for the managerial and administrative oversight of the Executive Directorate remains vested in me, to be discharged through customary Secretariat channels.

Since the Council is due to complete its comprehensive review by 31 December 2006, I should like to address the process whereby the Executive Directorate submits its semi-annual comprehensive reports and its programmes of work to the Counter-Terrorism Committee through me, in accordance with the report of the Committee on its revitalization (see S/2004/124, annex), subsequently endorsed by the Security Council in its resolution 1535 (2004). Since the past and projected activities of the Executive Directorate must necessarily reflect the policy guidance provided by the Committee itself, the Security Council might wish to consider adopting an approach whereby the Executive Directorate submits those documents directly to the Counter-Terrorism Committee.

(*Signed*) Kofi A. **Annan**

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Security Council

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Report of the Secretary-General on the United Nations Stabilization Mission in Haiti

I. Introduction

1. By its resolution 1702 (2006), the Security Council extended the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH) until 15 February 2007 and requested me to report on its implementation not later than 31 December 2006. The present report covers major developments since my report of 28 July 2006 (S/2006/592), and progress made and problems encountered in the implementation of the mandate of the Mission as contained in Security Council resolutions 1542 (2004), 1608 (2005) and 1702 (2006).

II. Political developments

2. During the reporting period, the largely successful completion of the electoral process marked a further significant step in the reinforcement of Haiti's democratic process. On 3 December, approximately 29,000 candidates competed for some 8,000 municipal and local positions in the first such elections in 10 years, and a second round was held for 3 senatorial and 11 deputy seats postponed from the earlier legislative elections as a result of interruptions in voting. As compared with previous elections, the Provisional Electoral Council assumed increased responsibility for technical and administrative aspects of the process, including full responsibility for training and payment of some 40,000 poll workers.

3. The Mission provided logistical and security assistance for the electoral process. Among the tasks undertaken by the Mission were the distribution of voter lists to 140 Communal Electoral Offices and of 2,000 kits for the training of poll workers, and assistance with the logistics for the collection and storage of sensitive and non-sensitive material from some 9,231 polling stations throughout the country. MINUSTAH worked closely with the Haitian National Police to implement a joint security plan. The military component provided static security for voting centres in areas identified as high-risk, and the Haitian National Police and MINUSTAH police patrolled assigned areas. MINUSTAH police also recruited and trained approximately 4,000 electoral guards.

4. While some security incidents occurred, voter turnout, which was estimated at approximately 30 per cent, was higher than expected. Overall, the Haitian electoral authorities declared themselves satisfied with the process. However, a number of

06-66177 (E) 271206

appeals are anticipated, which the Provisional Electoral Council will address in the coming weeks. In addition, given the destruction of some voting centres and the related loss of electoral data, reruns are likely to be held in several affected constituencies.

5. Members of the forty-eighth legislature were convoked to extraordinary sessions on a number of occasions, including for the adoption of the State budget in September. To date, eight draft bills submitted to Parliament have been studied by the Senate and five by the Chamber of Deputies. The various parliamentary committees have been meeting regularly, including for consultation with experts and with national and international partners. In October and November, groups of parliamentarians undertook a series of visits to each of the 10 regions where MINUSTAH provides logistical and security support. The Government opted to maintain all departmental delegates, vice-delegates and municipal authorities for the remainder of 2006. The measure was taken in order to avoid a precipitous change among local government officials prior to the 3 December elections, and to allow time for parliamentary debate and scrutiny of the decentralization and deconcentration bills.

6. The implementation of the proposal by the Prime Minister for a *Programme d'apaisement social* (social pacification programme) has not advanced significantly. Bilateral support will be crucial to permit the tangible improvements envisaged in the programme, which are crucial in order to promote stability and encourage further political progress. During the International Conference for Haiti's Economic and Social Development held in Port-au-Prince on 25 July 2006, international participants pledged 750 million dollars for much-needed programmes to finance the budget deficit and the Government's public investment programme for the coming fiscal year. They expressed their readiness to work towards greater transparency in international aid through firm commitments to budget cycles, as proposed by the Government. The international participants reiterated their long-term support for the Government's reform efforts in the areas of economic governance, fighting corruption, smuggling and tax evasion, and reaffirmed their willingness to work with the Government in support of the reform of the Haitian National Police and the judicial system, as well as of efforts for social development and the disarmament, demobilization and reintegration process. The follow-up conference in Madrid on 30 November further helped to maintain international focus on Haiti and resulted in a number of sizeable pledges, although it was not formally a pledging event.

7. The demonstrations that took place in October suggest the potential for violent expressions of frustration, which could have implications for Haitian and international efforts to promote progress. On 24 October, a group of some 30 students gathered near a United Nations Day ceremony in Port-au-Prince, holding anti-MINUSTAH placards and calling for the withdrawal of the peacekeepers. The next day, some 600 students held a similar protest near the Presidential Palace, and roadblocks with burning tyres were erected. In response, the Minister for Foreign Affairs urged students not to resort to violence, but noted that the demonstrations illustrated the public's impatience at the lack of socio-economic progress.

8. Following the reintegration of Haiti into the Caribbean Community (CARICOM), on 18 October, a high-level delegation from CARICOM, headed by the Prime Minister of Saint Kitts and Nevis, who is the current Chairman of the organization, visited Haiti. The delegation discussed with the Haitian authorities the

prospects for the full integration of Haiti into the organization, including the common market. The visit coincided with a CARICOM assessment mission, during which the participants discussed the possibilities of opening an office in Port-au-Prince. The preceding initiatives were conducted within the framework of the organization's response to a request from President René Préval for support for Haiti's development.

9. The continued repatriation of Haitian nationals continued to present a potential problem along the border area with the Dominican Republic. On 21 November, MINUSTAH facilitated a meeting that brought together representatives of the authorities of Haiti and the Dominican Republic and non-governmental organizations to discuss the application of the Protocol of Understanding on the mechanisms of repatriation and other key areas of concern.

III. Security situation

Security operations

10. During the reporting period, the overall security environment continued to be relatively stable in most of the country and there were signs of improvement in some critical areas. However, the overall situation remained fragile and volatile. Much of the violence continued to take place in the capital; other regions of the country enjoyed a greater level of stability, with the exception of isolated incidents reported in Fort Liberté, Cap Haïtien and Gonaïves. Although kidnappings continued to take place at a high rate throughout Port-au-Prince, they occurred less frequently than last year, and murder rates also showed some decline. However, armed attacks against MINUSTAH and violent demonstrations increased. The development of Haitian National Police capacity remained at a very early stage, and the Mission's military and police components continued to play a key role in promoting its capacity in the face of substantial challenges, working in close cooperation with the Haitian political and police leadership.

11. On 19 July, armed groups gathered in Port-au-Prince, firing weapons and creating panic in the vicinity of Cité Soleil and the airport, expressing their frustration for the perceived inaction on the part of the Government to meet their demands for amnesty in return for participation in a disarmament programme. On the following day, the armed groups opened fire on the Jordanian Battalion camp and a nearby Haitian National Police station, injuring one police officer, while five of the gang members were killed and another five injured. Over the following two days, 6 civilians were killed, approximately 80 injured and an unknown number were abducted.

12. In response to the outbreak of violence, my Special Representative intensified his discussions with President Préval and Government officials to develop a coordinated response. To highlight the partnership between the Mission and the Government, President Préval visited Cité Militaire on 9 August, together with other officials from the Government and the Mission. After talking to local residents, the President issued a statement stressing that, while his Government had initiated dialogue with some armed groups in an effort to launch a disarmament, demobilization and reintegration programme, he would not hesitate to use force to neutralize armed groups that refused to disarm voluntarily.

13. On 25 August, Haitian and MINUSTAH officials agreed to an enhanced security plan, which established 12 additional Haitian National Police/MINUSTAH checkpoints and 23 additional Haitian National Police checkpoints around Port-au-Prince. Three MINUSTAH platoons were redeployed from the outlying regions to Cité Soleil to support the increased tempo of operations in that area. The configuration of formed police units was also adjusted.

14. By mid-September, the security situation began to improve owing to the measures taken by the Haitian National Police and MINUSTAH, and relative calm was observed in Cité Soleil and Cité Militaire, following the reinforcement of the Mission's presence there. Furthermore, on 2 October, MINUSTAH and the Government agreed to establish a communication mechanism at the highest level to plan future joint operations in Cité Soleil and set up a coordination, monitoring and verification mechanism for such operations. On the following day, Haitian National Police officers accompanied by MINUSTAH visited Cité Soleil to meet local residents and community leaders and to look into the possibility of resuming patrols and re-establishing a Haitian National Police presence in the area. This first visit of the Haitian police to Cité Soleil in almost three years was welcomed by local residents, who expressed their readiness to work alongside the Haitian National Police to restore peace to the area. The Haitian National Police have subsequently carried out patrols in Cité Soleil during daylight hours.

15. Tensions remained high in the Martissant area of Port-au-Prince throughout the reporting period. On a number of occasions MINUSTAH troops have found bodies in the area, with the deaths attributed to suspicious causes. As part of the joint Government/MINUSTAH plan to restore security, the Mission organized a series of meetings between local authorities and residents. On 27 September, MINUSTAH troops apprehended a significant armed group leader who had been linked to the large-scale killings in Martissant in both 2005 and 2006. On 3 November, a group of armed criminals in Martissant were confronted by the Haitian National Police and a MINUSTAH formed police unit, resulting in the death of one civilian and the wounding of one formed police unit member. Eight individuals were arrested by the Haitian National Police, but were subsequently released.

16. MINUSTAH troops and police were shot at on a number of occasions during the reporting period, and on 10 November, two MINUSTAH soldiers were killed as they returned to their base. The ongoing violence has also taken a toll on the Haitian National Police, with seven police officers murdered in the capital since August.

17. The advances that have been made in the area of security remain fragile and should be consolidated. In order to do this, it will be essential to reinforce the close collaboration that has developed between MINUSTAH and the Haitian political and security authorities and to continue to increase the tempo of operations in the rural and urban areas. In addition to continued activities in Port-au-Prince, the Mission plans to enhance its presence and undertake deterrent actions along the border, in ports and on outlying islands in order to buttress the Government's minimal capacity to deal with trafficking activities (see S/2006/592, para. 54). To mitigate such illicit activities, MINUSTAH and the Haitian Coast Guard will perform joint operations, bearing in mind the Coast Guard's limited capability.

18. In the above context, it will be vital to avoid premature changes in the Mission's force configuration. As noted below, a long-term process will be required to develop a full security capability for Haiti, including an ability to assume tasks

that go beyond essential policing. Therefore, barring a dramatic improvement in the security situation, the continued contribution of the military and police components, at their currently authorized ceilings of 7,200 troops and 1,951 police officers (including eight formed police units), will remain indispensable for the coming months. Future reductions in international troops and police should take place within a measured and carefully prepared process, drawing on consultations with the Haitian authorities, as proportionate improvement in Haitian capacity permits the handover of specific tasks.

19. At the same time, supplementary bilateral assistance will be crucial to address problems presented by the smuggling of narcotics and weapons. Those illicit activities far surpass the ability of national authorities and of MINUSTAH to control them and pose a grave problem to the country's long-term stability. It will also be essential to make further efforts to promote small-scale humanitarian and development activities that can follow up on and reinforce the impact of security operations.

Disarmament, demobilization and reintegration and violence reduction

20. MINUSTAH has continued to work with the relevant national authorities to develop a process of disarmament and reintegration that is appropriate to the country's security needs. The process requires a particular focus on community violence reduction through social and economic investment and the return of local government to volatile neighbourhoods, in accordance with the vision outlined in Security Council resolution 1702 (2006).

21. As reflected in his public remarks on the issue, President René Préval has favoured a dual-track strategy according to which increased pressure by security forces in Cité Militaire and Cité Soleil would be accompanied by ongoing discussions between his Government and armed group leaders. On 29 August, the Government appointed a seven-member National Commission for Disarmament, Dismantlement and Reintegration, which has taken the lead in implementing the Government's disarmament programme.

22. While the above-mentioned process is still at an early stage, progress to date has remained limited. Only two groups totalling 104 individuals have formally entered the disarmament and reintegration programme. Furthermore, while their participation may have contributed to a decline in violence and kidnappings in the short term, it is clear that it has not resulted in a meaningful step towards the dismantlement of the gangs. Several participants are suspected of continuing their engagement in criminal activities. Meanwhile, MINUSTAH and the United Nations Development Programme (UNDP) are working in close coordination with the Government to support the strengthening of the legislative framework for small arms control; to build community capacity for violence reduction in collaboration with the new local government structures; and to maintain a focus on women affected by the violence and (in collaboration with the United Nations Children's Fund (UNICEF)) on children associated with armed groups.

23. The task of adapting disarmament processes to the circumstances in Haiti and effectively dismantling gangs remains a complex and significant challenge. However, it will be important to continue to pursue this objective, in view of the

importance attached to the programme by the Government as a necessary complement to security operations, security sector reform and the return of local government to volatile zones. The Mission will continue to work closely with the Government to find an appropriate solution, while also pursuing related community-based measures.

IV. Reform of rule-of-law structures

Strengthening Haitian security capacity

24. A significant step towards reforming and strengthening Haiti's security structure was taken by the Government when Prime Minister Jacques-Edouard Alexis signed the Haitian National Police reform plan on 8 August (see S/2006/726, annex). The reform plan was the product of an extended review and consultation between relevant Haitian police and political officials, with support from the United Nations. This blueprint lays out a clear and comprehensive outline for the development of a basic policing capacity within Haiti, drawing on experience in the country and internationally. The plan also provides a practical road map for collaboration between Haitians and international partners. Its adoption could mark a starting point for a truly effective process of reform of the Haitian National Police.

25. According to the benchmarks established in the reform plan, it is envisaged that the Haitian National Police would increase from its current strength by a rate of approximately 1,500 officers a year, to 14,000 by 2011. The plan notes that the latter figure should be sufficient to undertake essential policing functions. At the same time, it indicates that further security capacity, up to a total staffing of 20,000, would be required to undertake the full range of security tasks, and that an appropriate plan would need to be devised for its development. To date, some 8,070 Haitian National Police officers and 1,580 civilian employees have been registered within a United Nations police database which will also serve the Haitian National Police. A further 600 candidates for the Haitian National Police, including 30 women, will begin training courses in January 2007. With regard to gender representation, some 6.5 per cent of Haitian National Police officers and 12 per cent of Haitian National Police employees are women. In an effort to combat discrimination against women within the institution and ensure that gender is mainstreamed in all their activities, the Haitian National Police have recently established gender focal points throughout the country. They are currently undergoing training in collaboration with MINUSTAH. The Mission, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Population Fund (UNFPA) supported the Haitian National Police HIV-awareness and prevention programme through training at the Haitian National Police Training Centre and throughout the country.

26. As noted previously (see S/2006/592), the Haitian National Police reform plan foresees the implementation of three main processes: vetting, training and the strengthening of institutional capacities. On 9 November, the Haitian National Police announced the beginning of the vetting process, which assesses professional skills and disciplinary background and draws on the efforts of combined teams of MINUSTAH and Haitian police. The 25 most senior officers of the Haitian National Police, including the Director General and Inspector General, are currently

undergoing this process, as are 10 Haitian National Police investigators who will themselves be involved in future vetting. Officers who do not meet the requisite disciplinary standards will be dismissed, while deficiencies in terms of skills will be remedied through additional training.

27. In addition to its contribution to the vetting process, the Mission plays a crucial role in supporting the training and institutional development of the police envisaged by the Haitian National Police reform plan. The Mission's 951 police advisers will continue to monitor and advise Haitian National Police counterparts in Port-au-Prince and in the provinces, while supporting development of Haitian National Police policies and institutions. MINUSTAH will also need to provide further specialized advice, drawing on civilian skills, in order to ensure the effective development of the Haitian National Police administration.

28. Generous bilateral assistance will be indispensable to build on and sustain the basic level of support provided through MINUSTAH. This will include in particular assistance for the required capital investments, which the United Nations Development Programme and MINUSTAH can help to coordinate.

Justice and prison systems

29. As previously reported, the criminal justice system in Haiti remains largely dysfunctional and the lack of cooperation between the police and justice systems presents a significant problem. Prison overcrowding and prolonged pre-trial detention continue to be a source of grave concern. Juvenile justice also remains problematic. The juvenile court of Port-au-Prince has been paralysed for several months because of the refusal of judges assigned to the court to work in the shanty town of Bel-Air, where it is located.

30. In response, MINUSTAH is providing assistance and advice to the Ministry of Justice and Public Security, especially on the drafting of new or urgent legislation, the restructuring of key institutions, the reopening of the *Ecole de la magistrature* (school for magistrates), and the professionalization of the Ministry. The Minister has prepared an action plan looking at short- and mid-term activities that could help address structural problems such as the judiciary's lack of independence and prolonged pre-trial detention. In addition, with the support of MINUSTAH, he adopted an overall strategic plan for the reform of the justice system that he intends to use as the basis for the Ministry's five-year institutional development plan. He also held a first meeting with all donors involved in the justice sector, which has led to the establishment of a new coordination mechanism for assistance.

31. The Ministry has prepared three bills (on the *Statut de la magistrature* (status of the magistrates), the *Ecole de la magistrature* and the *Conseil supérieur du pouvoir judiciaire* (Supreme Council of the Judiciary)) which are intended to strengthen the independence of the judiciary. The bills are now awaiting approval by the Council of Ministers before being presented to the Parliament. MINUSTAH and UNICEF continue to provide technical expertise and training to the judicial authorities to improve the juvenile justice system, in particular the situation of children in conflict with the law.

32. The Mission also provides professional resources to support the judicial actors themselves, combining direct technical assistance and advice, with the main

objective of improving the criminal process, and addressing the aforementioned problem of pre-trial detention. MINUSTAH has also worked with bilateral partners providing training to over 250 justices of the peace and registry clerks and to nearly 70 public prosecutors and coordinating donor support.

33. Overcrowding in the prisons, exacerbated by weak infrastructure and low corrections staffing, remains worrying in terms of security and human rights. The risks inherent in this situation were highlighted by a prison break on 4 December, although it was limited in scale. The Mission is working with the Ministry on the establishment of commissions on detention throughout the country to address the crucial issues of prison overcrowding and prolonged pre-trial detentions. MINUSTAH has sought to strengthen prison management through support for reform of budget control and expenditure procedures, as well as a monitoring system for stock and personnel. MINUSTAH, the National Prison Administration and the International Committee of the Red Cross are developing a comprehensive approach towards addressing health and nutritional problems in prisons.

34. While the engagement of the newly elected authorities in outlining plans for reform of long-needed problems in the justice sector has provided a vital basis for future activity, the continued involvement of MINUSTAH will be crucial to realizing their potential. Through continued advice on policy and practical issues, experts within the Mission's Justice Section will continue to serve as a vital resource for the personnel in the Ministry of Justice and Public Security and in the judicial and corrections system as they seek to transform the plans into reality. Likewise, the 16 correction officers seconded from Member States, as authorized by resolution 1702 (2006), will follow up on reforms in detention centres throughout the country through direct assistance and advice to prison management.

V. Human rights

35. The installation of the new Government and subsequent high-level appointments in the area of rule of law have improved the prospects for a more efficient response to serious shortcomings in respecting human rights. The commitment of the new authorities will be crucial in addressing the human rights situation in Haiti, which remained a concern during the reporting period. Many Haitians continued to be affected by daily violence, particularly in the shanty towns of Port-au-Prince. At least a dozen people, including a local human rights activist, were reported killed in September 2006 by armed groups operating in the Port-au-Prince neighbourhoods of Martissant and Fontamara. On 12 October, also in Port-au-Prince, at least five individuals were executed and a dozen injured by shooting in the Bel-Air area of the capital. The perpetrators were allegedly armed group members chased from the area by the population in September 2006. Progress in the judicial investigation into the 7 July killings in Martissant (see S/2006/592, para. 13) has not been significant and has been hindered by serious technical shortcomings, including a lack of proper forensic evidence and flawed collaboration between police and judicial authorities.

36. Some progress was made regarding the case of former Prime Minister Yvon Neptune (see S/2006/592, para. 29), who was granted provisional release on 27 July after more than two years on pre-trial detention. Four high-profile Lavalas activists were released on 8 August after almost two and a half years in pre-trial detention.

37. In the course of an official visit to Haiti in October 2006, the United Nations High Commissioner for Human Rights expressed concern regarding shortcomings in respect of civil and political rights, including the overcrowding of prisons and the issue of pre-trial detention, as well as in respect of social and economic rights. At the same time, she welcomed the willingness of the Government to take concrete steps to address the situation.

38. With the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Mission has augmented its training, civic education and advisory activities. The Mission's regional offices continued to conduct monitoring activities and periodic refresher courses on human rights standards and Haitian legal provisions organized in targeted police stations, prosecutors' offices, courts and prisons across the country. In collaboration with the Haitian National Police, MINUSTAH is developing training materials aimed at mainstreaming human rights standards into all aspects of basic police training.

39. The Mission continues to be a member of the *Table de concertation nationale pour la prévention des violences spécifiques faites aux femmes et leur prise en charge* (National Round Table on the Prevention of Violence against Women and on their Protection) led by the Ministry of Women's Affairs and Rights. MINUSTAH is specifically involved in programmes relating to the establishment of a database to harmonize data collection relating to violence, the creation of reception units within Haitian National Police stations for women exposed to violence and the capacity-building of a national non-governmental organization created by men for men to combat violence against women.

40. Further efforts will be required to address human rights problems and strengthen the human rights institutions of Haiti. MINUSTAH will continue to pursue its capacity-building activities in Port-au-Prince and throughout the country and its assistance to relevant State institutions in developing skills and expertise. At the same time, the continued commitment of the Haitian leadership will be crucial for progress, including through the approval of legislation aimed at redefining the status and role of the Office of the Ombudsman.

Child protection

41. Grave violations against children, especially in the areas of Port-au-Prince affected by armed violence, continued to be a serious concern, as well as widespread rape and other grave sexual abuse of girls. The strengthening of the *Brigade de protection des mineurs* (Brigade for the Protection of Minors) of the Haitian National Police as well as the institution of a programme of training for the police on children's rights and protection are priorities, as is the resumed functioning of the juvenile court. MINUSTAH and UNICEF have also initiated a process of training and capacity-building for the parliamentary commission on children's rights.

VI. Democratic governance and State institutions

42. Over the reporting period, MINUSTAH played a key role in support of the completion of elections at the local, municipal and national levels, which has paved the way for consolidation of the democratic structures of governance in Haiti. Furthermore, drawing on the new momentum provided by the installation of democratically elected authorities, the Mission has begun to strengthen State institutions. However, much more remains to be done to ensure a basic level of capacity, requiring continued assistance from the Mission and from donors. At the same time, political decisions will be required to clarify the ways in which the various institutions will function and how they will relate to one another.

43. The Mission has provided advice to the Executive Branch at the central level, in particular through contacts with the Ministry of Interior and Territorial Collectivities, the Ministry of Planning and External Cooperation and the Ministry of Economy and Finance, in order to support the extension of State authority throughout the country. Further specialized assistance will be essential to support national authorities in developing skills and policies in other areas that are crucial for stability, including security and customs. The Mission participated in and contributed to, through funds for quick-impact projects, an eight-week training programme for local financial comptrollers working jointly with the Ministry of Economy and Finance. With regard to the legislature, the Mission has established a parliamentary liaison office and is working closely with the presidents of the two chambers and the leaders of parliamentary groups to assess parliamentarians' needs and promote coordination of international assistance.

44. In addition, in close cooperation with national authorities, the Mission has designed training programmes for a number of appointed and elected officials, particularly at the local level, to help the majority of the 140 communes to reach a basic level of functioning governance. Implementation will begin upon clarification of who will be assuming these responsibilities in the coming year. One of the initiatives was the preparation of a training programme for departmental delegates and vice-delegates, which was jointly designed with the Ministry of the Interior and Territorial Collectivities. The training programme will cover such topics as local finances, budgetary principles and management; an evaluation, together with the Ministry of Economy and Finance and a local non-governmental organization, of gaps in the knowledge of 1,800 local candidates for office in order to develop training methods for future elected officials; and the elaboration of modules to be used to train newly elected officials between mid-December and February 2007.

45. The Mission, in cooperation with central and local authorities, has also continued to identify the most urgent needs in terms of infrastructure. It has also drawn on the quick-impact project mechanism for small infrastructure projects, such as the rehabilitation or construction of town halls, tribunals, police stations and offices of delegates, providing State institutions with the minimal means to deliver services, while longer-term projects are planned with the assistance of donors.

46. Overall, while activities over the reporting period have helped to lay a foundation for progress, much of the work of professionalizing and training staff in State institutions has yet to be done. The Mission is making a substantial contribution to meeting the most urgent requirements through continued support for development of training materials and provision of guidance, including by making

available specialized expertise to key ministries. However, that effort needs to be complemented by bilateral initiatives to fulfil the requirements that may be less closely linked to stability but nonetheless must be met to enable the State to function at an adequate level to meet the needs of its citizens. In addition, substantial and sustained donor support will be essential for an effective response to the country's infrastructure needs beyond the basic contributions that can be made through the Mission. Such projects include road rehabilitation and building projects in the North and other locations and rehabilitation of the main electricity grid throughout the country, funded by the Inter-American Development Bank. Likewise, while the comparatively smooth functioning of the present electoral cycle demonstrated the enhanced capability of the provisional electoral authorities, further international assistance will be essential in order to advance towards the creation of permanent electoral bodies and enable them to manage future electoral processes. Efforts by MINUSTAH in this regard could be complemented by other actors.

47. Progress will also depend on a number of key decisions facing the leadership and people of Haiti. They include the determination of the most appropriate balance for the distribution of responsibilities between central and local authorities, and of which tasks should be assumed respectively by elected authorities (decentralization) and by the delegates appointed by the executive branch (deconcentration). It will also be necessary to consider how best to respond to the considerable financial and practical implications of maintaining an extended network of authorities at the local level. Another issue that will require attention in the coming year concerns the provisions within the Constitution according to which one third of Senate seats would be subject to election in November 2007. It will be important to find a way to continue to promote respect for constitutionally mandated processes while bearing in mind the limited availability of financial and logistical resources within the country to support further electoral exercises.

VII. Humanitarian, recovery and development activities

48. Living in the poorest nation in the Western Hemisphere, Haitians continue to suffer from lack of access to basic social services. Haiti's recently approved budget for 2006-2007 amounts to 1.6 billion dollars, of which international loans and donors will constitute up to 65 per cent. Increasing Government revenues and revitalizing the economy are paramount goals.

49. As stated above, the Mission is seeking to enhance the Government's ability to generate income through expert advice in related areas. At the same time, MINUSTAH has worked closely with local officials in all regions to plan and coordinate the delivery of basic social services and developmental activities. With the objective of tackling the most immediate problems related to the delivery of basic services, MINUSTAH has supported the Government in establishing coordination roundtables throughout the country, involving departmental delegates, the Ministry of Planning and External Cooperation, the organizations and agencies of the United Nations system, and non-governmental and civil society organizations.

50. Haiti's vulnerability to natural disasters continues to be of great concern. During the reporting period, Hurricane Ernesto, which struck the island on 27 August, affected over 4,000 people and resulted in 4 deaths, 3 people missing, 515 people in temporary shelters, 83 houses destroyed and 759 houses damaged.

Heavy rains also caused a succession of floods and landslides during September and October in the north of Haiti. Two municipalities in the north-west were also affected by a tornado and a tidal surge on 8 October. Floods in Grande-Saline affected 300 families on 30 September. On 23 and 24 November, heavy rains caused extensive damage in the departments of Grande-Anse, Nippes and Nord-Ouest, resulting in six deaths and five people injured, with social infrastructure damage to two hospitals, eight water supply systems and 10 schools, and damage to or destruction of 792 houses. Extensive agricultural damage, including destroyed crops, was also reported.

51. The Mission has continued to assist the Haitian authorities in responding to disasters, with personnel in the regions undertaking emergency evaluation missions and supporting the coordination of humanitarian response with local authorities and non-governmental organizations. The United Nations contingency plan for natural disasters, in support of Haiti's efforts, was activated in response to Hurricane Ernesto. Following landslides in Cap Haïtien on 27 October, MINUSTAH engineers immediately began working with local authorities to remove large quantities of earth blocking a major drainage channel in the city centre to avoid future flooding. The World Health Organization (WHO), UNDP and the International Organization for Migration (IOM) also continued their assistance to victims of previous floods while strengthening national capacity for natural disaster preparedness and response through the provision of equipment to local institutions, the building of water-resistant structures and the training of personnel and transfer of appropriate technology to communities at risk. The projects, which employ national workers, benefit approximately one million people living in natural disaster-prone areas. In addition, the United Nations Educational, Scientific and Cultural Organization (UNESCO) intensified its efforts, through research and studies, to increase national capacity for sustainable water resource management.

52. The reporting period was marked by increased delivery of programmes managed by the United Nations that focused on increased access to basic services and rapid job creation. Various United Nations organizations and agencies of the United Nations system estimate their projects to have collectively generated over 650,840 additional person days of work during the third quarter of 2006.

53. Throughout the reporting period, the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP) intensified their support in both building the necessary structures for domestic food production and in providing immediate food assistance to the most vulnerable segments of the population, including children, pregnant women and people living with HIV/AIDS and tuberculosis. Altogether, 6,722 tons of food aid were distributed to more than 245,500 recipients, 65 per cent of whom reside outside the capital. School canteens benefited more than 50,000 pupils within Port-au-Prince and more than 240,000 outside the capital. Nearly 84 tons of emergency food aid have also been distributed in the shanty towns of the capital.

54. A number of agencies initiated a series of labour-intensive projects to clean up, repair or build Haiti's basic infrastructure, including canals, bridges, roads, schools and common areas. Many efforts, such as the rehabilitation by the United Nations Office for Project Services' (UNOPS) of four small hydropower plants, focused on locations in the provinces as well as in shanty towns such as Cité Soleil, where IOM, UNOPS, UNICEF and the Pan American Health Organization (PAHO)/WHO

assisted in the clean-up of canals and roads, the improvement of sanitary and hygienic conditions in over 40 schools and the provision of water to over 200,000 residents. The current and expected impact of those initiatives on job creation is estimated at 200,000 persons per day, including 5,400 persons per day for youth at risk.

55. In cooperation with the Government and international partners, UNESCO launched a programme to promote the elimination of illiteracy. UNICEF provided assistance to 271 schools and their teachers, covering violence-affected areas in Port-au-Prince. Jointly with the Ministry of Education and Professional Training, UNESCO and the World Bank, UNICEF is supporting the national strategy of reform in education, in particular through the promotion of the zero-fees initiative to include as many children as possible in the school system nationwide.

56. The United Nations Population Fund continued its support to reproductive health services, with particular attention to emergency obstetric care to prevent maternal mortality and morbidity, assistance to women and girls that are victims of sexual violence and HIV/AIDS prevention and treatment. Through a joint UNFPA/UNICEF programme, and in cooperation with the Ministry of Public Health and Population, 50,000 pregnant women are currently receiving prenatal, childbirth and post-natal care services throughout the country. UNICEF has increased its support for the Ministry's national programme of immunization in cooperation with PAHO/WHO through the provision of equipment, supplies and related training. More than 1,250,000 children under five years of age and 600,000 women have been immunized, double the number immunized in 2004.

57. The Mission will continue to play an important role in promoting development and supporting humanitarian assistance, including through the efforts of the Deputy Special Representative of the Secretary-General in coordinating the work of the United Nations country team. However, the provision of adequate bilateral support will be crucial in enabling real progress. In this context, in order to promote the swift provision of tangible benefits, a transitional appeal will be launched on 18 December. The appeal constitutes a broad package in support of the Government's *Programme d'apaisement social* and priorities in 2007, with a focus on institutional strengthening, economic growth and recovery and a more balanced delivery of basic services countrywide. Further steps have also been taken to ensure enhanced coordination between the United Nations country team and MINUSTAH and with the various development actors in Haiti, as well as improved monitoring and reporting on the overall impact of humanitarian and development efforts.

VIII. Conduct and discipline of United Nations personnel

58. During the reporting period, MINUSTAH strove to maintain the highest standards of integrity and discipline. In that regard, MINUSTAH is training all categories of Mission personnel in the prevention of sexual exploitation and abuse, conducting outreach activities with the local community, including women's groups and non-governmental organizations, and enforcing off-limit locations. The Mission's national staff have received special training to enhance their understanding of their rights and duties and also to foster better understanding between the Mission and the Haitian population.

IX. Financial implications

59. In its resolution 60/18 B of 30 June 2006, the General Assembly appropriated the amount of $489,207,100, equivalent to $40,767,258 per month, for the maintenance of MINUSTAH for the period from 1 July 2006 to 30 June 2007. Should the Security Council decide to extend the mandate of MINUSTAH beyond 15 February 2007, the cost of maintaining the Mission until 30 June 2007 would be limited to the amounts approved by the General Assembly.

60. As at 31 October 2006, unpaid assessed contributions to the Special Account for the United Nations Stabilization Mission in Haiti amounted to $195.5 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,541.8 million.

61. As at 30 November 2006, amounts owed to troop and formed police contributors to MINUSTAH totalled $17.2 million for the period from 1 September 2006 to 31 October 2006. Reimbursement of troop costs has been made for the period up to 31 August 2006 and, for costs of contingent-owned equipment, up to 30 June 2006, in accordance with the quarterly payment schedule.

X. Observations

62. Following the election of the new President and Parliament, I travelled to Haiti in August 2006. The visit made it possible for me to witness how, in spite of the fragility of the country's foundation for democracy and stability, a renewed political dialogue has created a unique opportunity to tackle key underlying problems in the areas of security, institution-building and socio-economic development. The completion of the electoral process and the installation of elected representatives at all levels of Government can bring further progress. However, the realization of those possibilities will require sustained and close collaboration between the Haitian authorities, the United Nations Stabilization Mission in Haiti and the wider international community.

63. Primary responsibility for taking advantage of this opportunity and for ensuring progress remains with the Haitian leadership and people. As pointed out by my Haitian interlocutors during my visit, all parties — the Government, the private sector, civil society and the international community alike — will need to continue to work in partnership to consolidate strong State institutions and national capacities. The Government will continue to face significant challenges in the coming months, including such issues as the distribution of responsibilities between central and local authorities; how best to meet the full security requirements of the country, beyond essential policing tasks; determination of the appropriate response to armed groups and development of relevant disarmament, demobilization and reintegration programmes; finalization of plans for reform of the justice system and prompt adoption of key related bills; development of a means to resolve the problem of pre-trial detentions; and adoption of an appropriate legislative framework for the Office of the Ombudsman. As exemplified by the adoption of the Haitian National Police reform plan, clear decisions in such areas, drawing on input from all relevant stakeholders, could provide an indispensable framework for efforts to promote progress. However, unless swift results are achieved in those key areas, the situation might deteriorate.

64. The Mission's continued deployment will be essential, since destabilizing forces continue to use violence to attain their objectives. The continued engagement of the Mission's military and police will remain crucial in responding to significant threats at a time when Haiti's own security capacity is still at an early stage of development. Any reductions in the international security presence from its current force levels should be linked to proportionate increases in the ability of Haitian institutions to assume relevant tasks, taking into account any changes in the security environment.

65. With the completion of the electoral cycle, MINUSTAH has been supporting the new Government in establishing strong and sustainable State institutions for governance and the rule of law. MINUSTAH is also supporting the enhancement of human rights capacity and coordinating development and humanitarian activities. The priorities have been shaped in consideration of Haitian needs and focus on those areas most closely linked to stability, where the Mission can make a key contribution in the initial phases of a longer-term process. However, the work has only begun, and continued involvement by the Mission will be required.

66. Accordingly, I recommend that the Mission be extended for a further 12-month period, with the mandate provided in resolutions 1542 (2004), 1608 (2005) and 1702 (2006), and with its present authorized troop and police ceilings. At the same time, the ability of the Mission to succeed will depend on the closest collaboration with the Haitian authorities in all its areas of activity. I urge the Haitian leadership to continue to work with MINUSTAH in reinforcing the close partnership that has made a key contribution to enabling progress to date.

67. It should be borne in mind that MINUSTAH can respond only to Haiti's most immediate needs. Sustained bilateral assistance will be indispensable to further reinforce and strengthen democratic structures of governance and rule of law, including through meeting key infrastructural requirements. This will also be crucial to bringing tangible improvements to the daily lives of Haitians. While the statements issued during the international donor conferences which took place in Port-au-Prince in July and Madrid in November provided encouraging indications of continuing commitment, the rate of disbursement of international aid appears to fall far short of what is required. Delays in programmatic funding for capacity-building and institutional support might pose a serious challenge to stability. The transitional appeal for Haiti that will be issued at the end of December will identify a number of key areas where swift response to needs is particularly important. Tangible improvements in the socio-economic conditions of the general population, including through job creation, is essential to forestall an increase in popular discontent that could unravel all that has been accomplished thus far.

68. I would like to reiterate my gratitude to the Member States contributing troops and police personnel to MINUSTAH, as well as the Core Group, for their support in the implementation of the Mission's mandate. I would like to pay special tribute to the two Jordanian peacekeepers who made the ultimate sacrifice in November while seeking to promote stability in Haiti. Finally, I should like to express my deep appreciation to my Special Representative, Edmond Mulet, and to all MINUSTAH staff for their dedication and work in advancing the democratic process in Haiti.

Annex I

United Nations Stabilization Mission in Haiti: countries providing military staff and contingents (as at 10 December 2006)

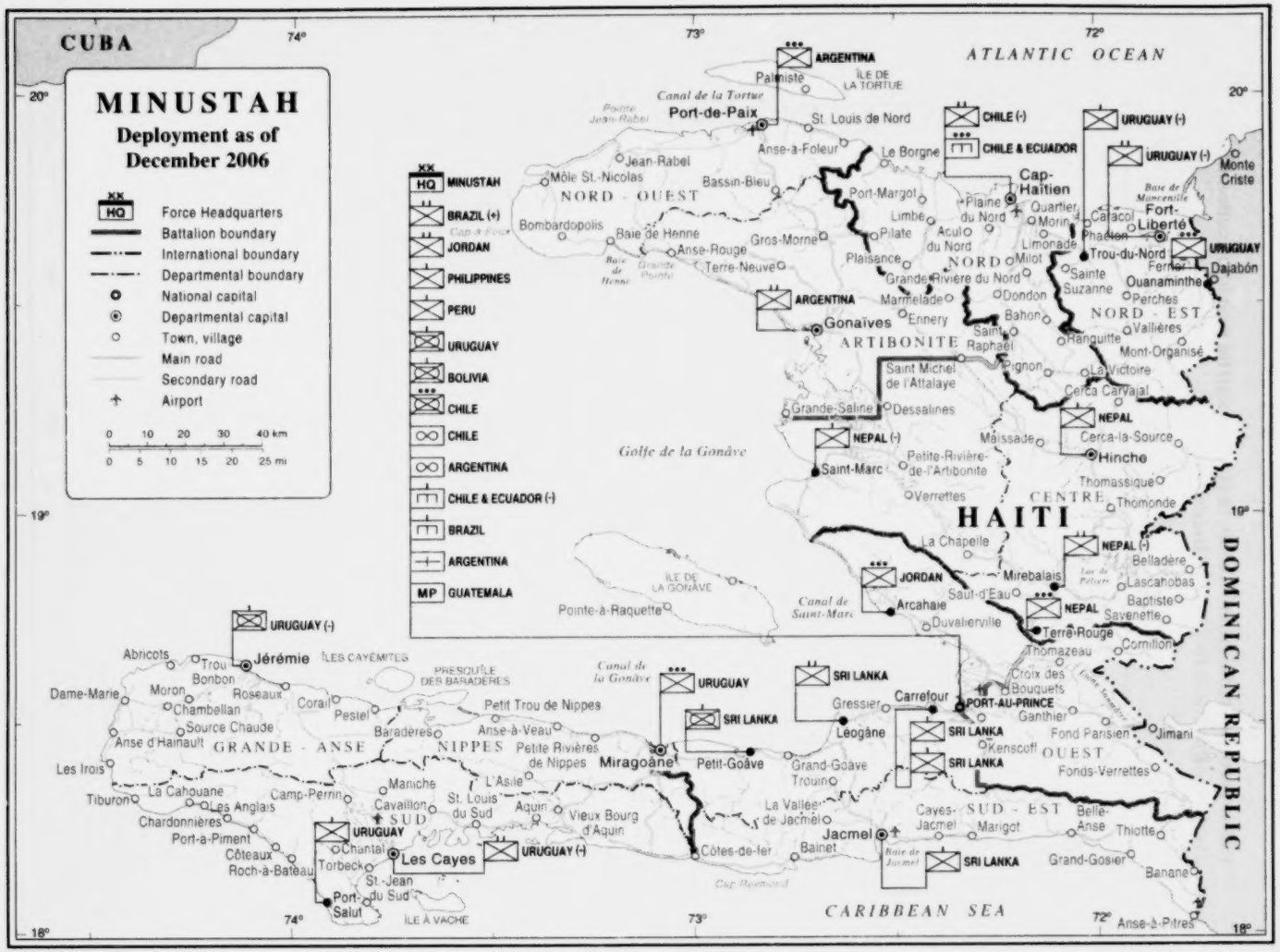
Country	*Staff officers*	*Troops*	*Total*
Argentina	9	548	557
Bolivia	2	215	217
Brazil*	13	1 198	1 211
Canada	6	—	6
Chile	6	497	503
Croatia	1	—	1
Ecuador	1	73	74
France	2	—	2
Guatemala	5	100	105
Jordan	11	750	761
Morocco	1	—	1
Nepal	7	749	756
Pakistan	1	—	1
Paraguay	3	—	3
Peru	5	205	210
Philippines	2	154	156
Sri Lanka	9	950	959
United States of America	3	—	3
Uruguay	14	1 122	1 136
Total	**101**	**6 561**	**6 662**

* Including the Force Commander.

Annex II

United Nations Stabilization Mission in Haiti: countries providing police officers and formed police units (as at 10 December 2006)

Country	*Police officers*	*Formed police units*	*Total*
Australia	1	—	1
Argentina	4	—	4
Benin	30	—	30
Burkina Faso	73	—	73
Cameroon	43	—	43
Canada	79	—	79
Chad	8	—	8
Chile	10	—	10
China	5	125	130
Colombia	2	—	2
Egypt	7	—	7
El Salvador	2	—	2
France	73	—	73
Grenada	1	—	1
Guinea	59	—	59
Jordan	4	288	292
Madagascar	1	—	1
Mali	24	—	24
Mauritius	2	—	2
Nepal	7	124	131
Niger	59	—	59
Nigeria	—	125	125
Pakistan	—	249	249
Philippines	41	—	41
Romania	10	—	10
Russian Federation	8	—	8
Rwanda	11	—	11
Senegal	40	84	124
Sierra Leone	2	—	2
Spain	46	—	46
Togo	9	—	9
Turkey	28	—	28
United States of America	48	—	48
Uruguay	4	—	4
Vanuatu	3	—	3
Yemen	3	—	3
Total	**747**	**995**	**1 742**



Map No. 4224 Rev. 15 UNITED NATIONS
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Department of Peacekeeping Operations
Cartographic Section

United Nations S/2006/1004

Security Council

Distr.: General
21 December 2006

Original: English

Draft resolution

The Security Council,

Welcomes the report of the Informal Working Group on General Issues of Sanctions, established pursuant to paragraph 3 of the note by the President of the Security Council dated 17 April 2000 (S/2000/319).

Decides that the Working Group has fulfilled its mandate as contained in document S/2005/841 dated 29 December 2005, to develop general recommendations on how to improve the effectiveness of United Nations sanctions.

Takes note with interest of the best practices and methods contained in the Working Group's report (S/2006/997) and requests its subsidiary bodies to take note as well.

06-67786 (E) 211206

United Nations A/61/649–S/2006/1005

General Assembly
Security Council

Distr.: General
20 December 2006

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General Assembly
Sixty-first session
Agenda items 17 and 27

The situation in the occupied territories of Azerbaijan

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-first year

Letter dated 12 December 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General

In my capacity as a representative of the country coordinator of GUAM (Georgia, Ukraine, the Republic of Azerbaijan and the Republic of Moldova), I have the honour to transmit herewith a statement by the Council of Ministers for Foreign Affairs of the Organization for Democracy and Economic Development-GUAM (ODED-GUAM), adopted by the ODED-GUAM ministerial meeting held in Brussels on 4 December 2006 (see annex I), and a statement by the Permanent Representative of Ukraine to the Organization for Security and Cooperation in Europe (OSCE), Mr. Volodymyr Yel'chenko, on behalf of ODED-GUAM at the fourteenth meeting of the Council of Ministers for Foreign Affairs of OSCE, also held in Brussels on 4 December 2006 (see annex II).

I should be grateful if the present letter and its annexes could be circulated as a document of the General Assembly, under agenda items 17 and 27, and of the Security Council.

(*Signed*) Viktor **Kryzhanivskyi**
Chargé d'affaires a.i.

06-67627 (E) 281206

Annex I to the letter dated 12 December 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General

Statement by the Council of Ministers for Foreign Affairs of the Organization for Democracy and Economic Development-GUAM

Brussels, 4 December 2006

The GUAM Council of Ministers for Foreign Affairs expresses its serious concern over a so-called "constitutional referendum" scheduled for 10 December 2006 in the Nagorno-Karabakh region of the Republic of Azerbaijan.

The Council emphasizes that holding the so-called "referendum" violates the Constitution of the Republic of Azerbaijan as well as relevant norms and principles of international law, and, thus, shall have no legal effect and its results shall be considered null and void.

The Ministers underline that the so-called "referendum" interferes with an ongoing peace process, is designed to impose a fait accompli situation in the region and misleads the international community.

The GUAM Council stresses that such an act runs contrary to the universally recognized standards and values of democracy, rule of law and human rights. Any constitutional document envisaging self-rule for the population of the Nagorno-Karabakh region can be elaborated only through a legal, democratic and peaceful process with the full, equal and direct participation of the entire population of the region consisting of the Armenian and Azerbaijani communities.

The GUAM Council of Ministers for Foreign Affairs calls on OSCE participating States and other international organizations to condemn such an illegal act and to support the ongoing efforts aimed at finding a peaceful resolution of the conflict on the basis of the territorial integrity of Azerbaijan within its internationally recognized borders.

Annex II to the letter dated 12 December 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General

Statement by the head of the delegation of Ukraine, Permanent Representative of Ukraine to the OSCE, Volodymyr Yel'chenko, at the fourteenth meeting of the OSCE Ministerial Council on behalf of the member States of the Organization for Democracy and Economic Development-GUAM

Brussels, 4 December 2006

On behalf of the members of the Organization for Democracy and Economic Development-GUAM, I would like to express our gratitude to our Belgian hosts for their hospitality and excellent organization of the meeting. We are particularly pleased that these days Brussels has become a capital for yet another organization, which actively promotes security and cooperation in Europe and far beyond. In this connection, let me express our high appreciation to the Belgian chairmanship for its essential activities during the whole year.

Naturally, we also wish to welcome the Minister for Foreign Affairs of Spain. The GUAM members States wish the incoming Spanish chairmanship every success and vigour in carrying out this demanding task.

The year 2006 has been a landmark year for GUAM. On 23 May, at the GUAM Summit in Kyiv, which was attended by a number of Heads of State and Government, the OSCE Secretary-General and top-ranking officials from OSCE participating States and the Presidents of the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine established the Organization for Democracy and Economic Development-GUAM as an international regional organization.

The GUAM Heads of State reaffirmed that the priorities of the Organization are the strengthening of democracy and the rule of law, respect for fundamental human rights and freedoms, economic development, ensuring security and stability, protection of the environment, combating international terrorism, aggressive separatism, extremism and transnational organized crime, deepening of the European integration and achievement of sustainable development and well-being of their peoples. These priorities of GUAM fully correspond to the main principles and purposes of OSCE.

GUAM Member States attach great significance to further enhancing the OSCE role as an inclusive and comprehensive security Organization, a forum for political dialogue, a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation and an important cooperative mechanism for promoting the values of democracy, rule of law and human rights throughout the OSCE area and beyond.

It is obvious that OSCE and GUAM efforts in the field of security have a common direction. The settlement of "protracted conflicts" in the OSCE area, in particular in the Transdniestrian region of Moldova, the South Ossetia/Tskhinvali region and Abkhazia of Georgia and the Nagorno-Karabakh region of Azerbaijan,

remains at the top of the comprehensive security agenda of OSCE and continues to be one of the priority objectives of cooperation within GUAM.

From the very beginning of their declared participation in the Helsinki process, the GUAM member States tried to play an essential role in OSCE activities on conflict prevention and resolution. Ukraine, in particular, exercises its functions of mediator and settlement guarantor in the Transdniestrian region of the Republic of Moldova and is committed to continuing these activities in the future. Our countries believe that the proposals of the President of Ukraine, Victor Yushchenko, "Settlement through democracy", constitute a solid basis for further work. I would like to use this opportunity to reaffirm our support for a plan for the peaceful settlement of the conflict in the South Ossetia/Tskhinvali region by the President of Georgia, Mikheil Saakashvili, as well as for the ongoing activities of the OSCE Minsk Group in the peace process in the Nagorno-Karabakh region of Azerbaijan.

We recognize that unresolved conflicts on the territory of the Republic of Azerbaijan, Georgia and the Republic of Moldova threaten the sovereignty, territorial integrity and political independence of those States, impede the implementation of full-scale democratic reforms and the achievement of sustainable development, jeopardize regional security, negatively impact pan-European integration processes and challenge the entire international community.

We strongly believe that the cooperative security approach of OSCE implies that there is no alternative to the peaceful resolution of these conflicts, which should be based on generally recognized norms and principles of international law, sovereignty, territorial integrity and inviolability of the internationally recognized borders of States, as well as on the relevant resolutions of the United Nations Security Council and OSCE decisions.

The GUAM member States underline the importance of the demilitarization of conflict zones and establishing security in these zones with the assistance of the multinational peacekeeping forces to be deployed there under United Nations or OSCE mandates for creating conditions for the return of populations and for the peaceful coexistence of ethnic communities.

We also welcome this year efforts and new approaches of the Belgian chairmanship aimed at confidence-building in the above-mentioned conflict zones through socio-economic rehabilitation, including by facilitating donors' contributions, democratic development and expedient response to risks and threats.

The GUAM States are following very closely the developments around the resolution of the Kosovo issue. We are convinced that a just and lasting settlement there can be achieved only if the final status agreement is acceptable to the parties involved and is reached on the basis of consensus. In that sense, the decision to continue the talks is a positive step.

The recent so-called "independence referendums" in the Transdniestrian region of the Republic of Moldova and in the South Ossetia/Tskhinvali region of Georgia, as well as the intention to hold a so-called "constitutional referendum" in the Nagorno-Karabakh region of Azerbaijan, in our view, pose a major threat and challenge to the stability and continuity of the process of settlement. We therefore welcome the reaction of the OSCE chairmanship, as well as the European Union, the Secretary-General of the Council of Europe and the statements of the

overwhelming majority of OSCE States, which decidedly refused to recognize the results of those referendums in accordance with common OSCE principles.

At the same time, we say to the populations of the separatist regions that European institutions and their member States are ready to do their utmost to speed up settlement processes, while providing substantial economic assistance and legal assurances to people and institutions to guarantee human rights, rule of law, market economy, ethnic language and religious freedom within the reunited State.

Participating States of the Organization for Democracy and Economic Development-GUAM believe that the energy security issues which were brought to the forefront at the beginning of this year are inseparable from regional security and the national security of each participating State. During 2006, this concept has driven the efforts of the OSCE participating States towards a more active implementation of the provisions of 2003 OSCE Maastricht Strategy Document related to energy security. Through a number of concrete steps, we have reaffirmed that OSCE can respond to emerging challenges and add value to concerted efforts of the international community in this field. GUAM member States therefore support the continued involvement of OSCE in the interregional energy dialogue and cooperation.

We believe that the Organization for Democracy and Economic Development-GUAM and OSCE will further develop fruitful cooperation in promoting security, stability and prosperity in wider Europe.

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Report of the Secretary-General on children and armed conflict in Sri Lanka

Summary

The present report has been prepared in accordance with the provisions of resolution 1612 (2005). The report, which covers the period from 1 November 2005 to 31 October 2006, provides information on compliance and progress in ending the recruitment and use of children and other grave violations being committed against children in situations affected by armed conflict in Sri Lanka.

The report notes that despite previous commitments by the Liberation Tigers of Tamil Eelam, that group continues to use and recruit children. In addition, a particularly disconcerting development during the reporting period was the increase in abductions and recruitment of children in the east by the Karuna faction, a breakaway group of Liberation Tigers of Tamil Eelam.

The report sets out a series of recommendations with a view to securing strengthened action for the protection of war-affected children in Sri Lanka.

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I. Introduction

1. The present report has been prepared in accordance with the provisions of United Nations Security Council resolution 1612 (2005) and covers the period 1 November 2005 to 31 October 2006. It provides information on compliance and progress in ending the recruitment and use of child soldiers and other grave violations and abuses being committed against children in situations affected by armed conflict in Sri Lanka, including the abduction of children; the killing and maiming of children; rape and other grave sexual violence against children; attacks against schools and hospitals; and denial of humanitarian access for children.[1]

2. A task force on monitoring and reporting has been established in Sri Lanka, and its inaugural meeting was held on 26 July 2006. The Task Force has undertaken significant efforts to confirm that the information that was presented to it has been vetted and is accurate and reliable.

II. Overview of prevailing political, military and social background

3. Sri Lanka[2] has been affected by an ongoing conflict between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) since 1983. It is estimated that the conflict has killed more than 65,000 people, displaced over 800,000 people and detrimentally affected the entire population, particularly in the north and east of Sri Lanka. In February 2002, the Government and LTTE signed a ceasefire agreement brokered by Norway, which created the Sri Lanka Monitoring Mission (SLMM), consisting of members from the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) to monitor the ceasefire agreement.

4. During the reporting period, the ceasefire agreement between the Government and LTTE continued to hold despite escalating levels of violence, particularly after May 2006. Between 1 November 2005 and 31 October 2006, the Sri Lanka Monitoring Mission ruled on 662 ceasefire violations, comprising 193 violations by the Government, 451 violations by LTTE and 18 violations by the Karuna faction. Included in those rulings are 106 ruled violations concerning the abduction and recruitment of children.[3]

5. In November 2005, President Mahinda Rajapakse won presidential elections that were marked by LTTE obstruction of voting in parts of the north and east. Since early December 2005, violence has intensified with almost daily attacks on security forces personnel; the killing of members and supporters of the LTTE and other Tamil factions, including the LTTE breakaway Karuna faction;[4] assassinations of

[1] In accordance with article 1 of the Convention on the Rights of the Child, for the purposes of the present report, a child means every human being below the age of 18 years.

[2] See annex for a map of Sri Lanka.

[3] Thirty-seven rulings against LTTE for abductions; 60 rulings against LTTE for child recruitment; 3 rulings against the Government for abductions; 6 rulings against the Karuna faction for abductions.

[4] The unregistered political party, Tamil Makkal Viduthalai Pulikal (TMVP), which is led by Vinayagamoorthy Muralitharan, a.k.a. Colo. el Karuna, is more commonly known as the "Karuna faction" and is referred to as such in the present report. The Karuna faction split from LTTE in the Eastern province in March 2004.

high-profile public and military persons; clashes at sea between the Sri Lankan navy and LTTE sea units; and increased death and injury of civilians. The situation was further complicated by armed actions of the Karuna faction and the suicide bomb attack on the army commander in Colombo on 25 April 2006, which resulted in the Government launching a military retaliation of limited duration against LTTE positions.

6. The conflict escalated further in late July 2006 following the closure by LTTE of the Mavilaru sluice gates on 22 July, affecting the supply of water for a reported 15,000 families in Trincomalee District. The Government launched a military operation to gain control over the area and reopen the gates. The confrontation extended to the Mutur town, displacing approximately 50,000 persons. By 27 August, the Government had captured large parts of LTTE-controlled areas in Trincomalee, including Sampur. In separate military incidents, on 11 August the LTTE attacked the forward defence lines, separating government- and LTTE-controlled areas at the southern tip of the Jaffna peninsula. The Government responded with attacks against several front line posts in LTTE-controlled areas in Jaffna, Kilinochchi and Trincomalee and Batticaloa Districts.

7. The preceding confrontations resulted in the closure of the A9 road,[5] greatly reducing access to Jaffna District and the Vanni area (Kilinochchi and Mullaitivu Districts), and the displacement of more than 40,000 civilians in both Jaffna and Kilinochchi Districts, and of more than 60,000 civilians from Batticaloa District. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), between April 2006 and 22 October 2006, a total of 201,835 people (54,794 families) were displaced from their homes by the escalation in violence and insecurity. That number is in addition to more than 312,712 persons who were displaced previously as a result of the conflict and the 15,849 Sri Lankan refugees (4,665 families) reported to have arrived in Tamil Nadu, India, since the beginning of 2006. There continues to be a heightened risk of injury to the civilian population, especially children and youth, from unexploded ordnance and anti-personnel mines owing to the increased displacement in and around the shifting battle areas.

8. Against the background of the heightened tensions and increased military activity in the country, humanitarian and development assistance efforts faced various challenges and constraints, both in terms of physical access to beneficiaries and the systematic tightening of Government approval for the International Non-Government Organizations (INGO)/Non-Governmental Organizations (NGO) operations, specifically in the North and East. Those constraints resulted in the scaling down of humanitarian and development support to the affected population, including to vulnerable children, and also in the hampering of access of independent observers and monitors to those affected areas.

9. On 31 May 2006, the Council of the European Union added LTTE to the European Union list of terrorist organizations for the application of specific measures. Following this, the LTTE insisted on the withdrawal of SLMM monitors sent by States Members of the European Union by 1 September 2006. Further, the latest talks on the implementation of the ceasefire agreement between the Government and LTTE in Geneva from 28 to 29 October were inconclusive.

[5] The A9 highway is the only land access route to LTTE-controlled areas in the north, as well as to Jaffna.

10. The Government of Sri Lanka has appointed a new Minister for Disaster Management and Human Rights and revitalized a permanent standing committee and inter-ministerial working group on human rights which has, inter alia, played an important role in following up the investigation of certain cases. The Penal Code of Sri Lanka was amended early in 2006 to include a new offence of recruitment of children under 18 years of age into armed groups. In September, the President announced the establishment of a special commission of inquiry, with the participation of international observers, to investigate a range of serious human rights abuses since August 2005, including several of the cases detailed later in this report.

III. Grave violations of children's rights

A. Recruitment and use of children in armed forces and groups

1. Liberation Tigers of Tamil Eelam

11. The Liberation Tigers of Tamil Eelam is listed in annex II of the present report of the Secretary-General on children and armed conflict[6] and in all his previous reports as a party recruiting and using children as soldiers. LTTE previously made commitments to immediately cease the recruitment of children and release all children within its ranks to Olara Ottunu, the Special Representative for children affected by armed conflict, in Kilinochchi in 1998; to UNICEF in October 2002; to the Executive Director of the United Nations Children's Fund (UNICEF) in January 2003; and under the Action Plan for children affected by war in March 2003. LTTE most recently articulated its position in a published document on child protection that outlaws enlisting of children under 17 years in Armed Forces and makes participation of children under 18 yeas of age in armed combat illegal.[7]

12. The United Nations Children's Fund monitors and reports on violations of children's rights, including underage recruitment. Parents whose children have been recruited or are at risk of being recruited by LTTE are encouraged to report to UNICEF directly or through other international agencies. UNICEF verifies all of the reported cases and has maintained a comprehensive database of underage recruitment since 2001, which is updated when the child's status changes. The database provides a record of known cases of recruitment and has proven to be an effective advocacy tool for use with LTTE and other factions.

13. During the reporting period, UNICEF received reports of 541 children recruited, of which 66 were re-recruited by LTTE. As indicated in table 1 below, during the reporting period the number of verified reports of recruitment received by UNICEF peaked in July 2006, with 63 children verified to have been recruited and three children re-recruited.

14. The following examples illustrate the direct experience of those children. According to their mother's report to UNICEF, two 17-year-old boys living in the

[6] A/61/529-S/2006/826. "Child Protection Act 2006" (Act No. 03 of 2006), enacted by the Tamileelam legislature secretariat.

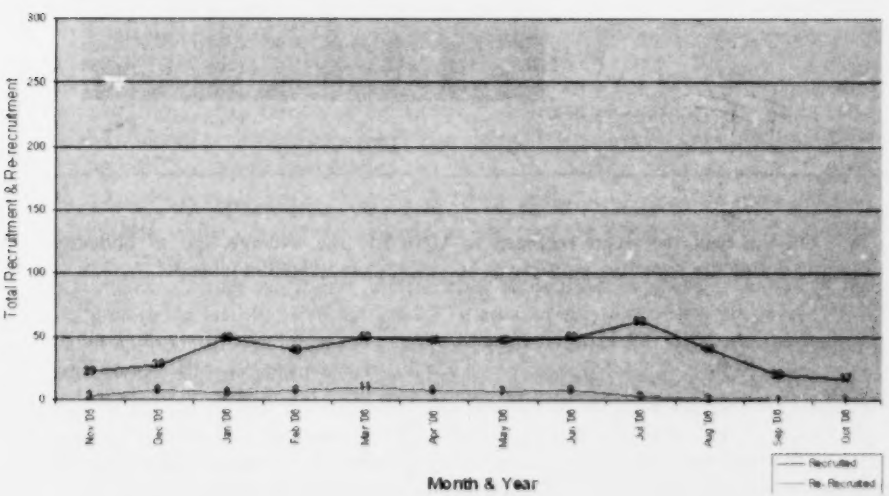
[7] It should be noted that this policy statement is in conflict with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (United Nations *Treaty Series*, vol. 2173, No. 27531).

Batticaloa District were visited in their family's home on 10 July by a member of LTTE and were asked to join its military wing. He beat the two children when they resisted the abduction. Three days after the incident, the two children decided to go to their uncle's house to find refuge. At 8 a.m., while cycling on the main road to reach the relative's house, they were stopped by the same LTTE member, beaten, and taken away on his motorcycle. Some villagers witnessed the incident and confirmed the identity of the abductor. On 24 July, UNICEF was informed that the two children had escaped from the LTTE camp. UNICEF continues to undertake protection follow-up with these two boys, who fear to return home.

15. The parents of a 15-year-old boy living in the Batticaloa District reported that their child and another 11 children were abducted while participating in a religious festival at the temple in their home village. Although the identity of the LTTE member who perpetrated the abduction is known, and notwithstanding the many visits of his parents to the LTTE camp, the child has not been released to date.

16. As of 31 October 2006, out of the 5,794 total cases of child recruitment verified by UNICEF since April 2001, 1,598 recruited children are believed to remain with LTTE. Of those 649 children are currently under the age of 18, and 949 are individuals who were recruited when they were under the age of 18 years, but are now 18 years of age or older. The above figures represent only the number of cases reported to UNICEF, and there are indications that the prevailing security situation might be deterring families from reporting cases. The overlap between children recorded on the UNICEF database and children who left LTTE (released, ran away or returned home) is approximately 37 per cent, suggesting that the UNICEF figures reflect approximately one third of the total cases of recruitment.

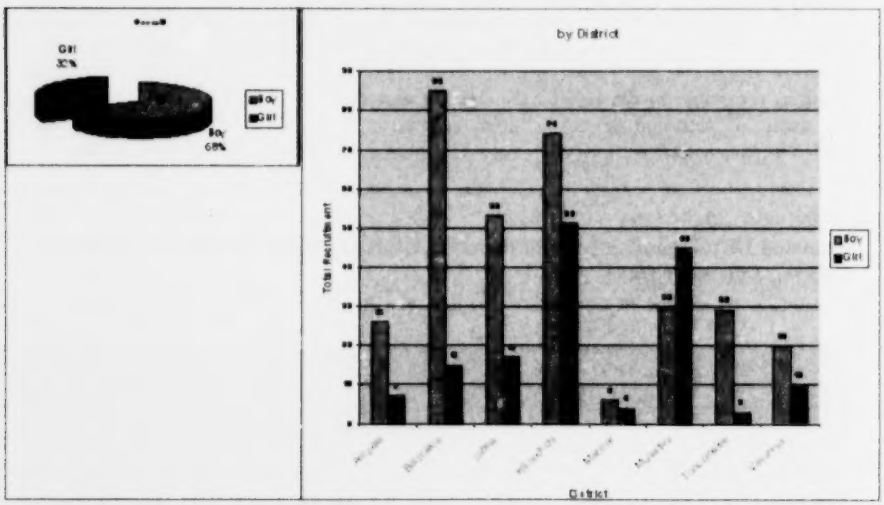
Table 1
Reported LTTE recruitment and re-recruitment of children from 1 November 2005 to 31 October 2006



17. During the reporting period, the majority of reports of recruitment of children came from Kilinochchi District, with 26 per cent of documented child recruitment or re-recruitment occurring in the district. That figure represents a 66 per cent increase in reports of recruitment and re-recruitment of children by LTTE in Kilinochchi, as compared with the previous twelve-month period. Batticaloa reported the second-highest number of cases, with 23 per cent of the total reported cases of recruitment and re-recruitment. That represents a 49 per cent reduction in recruitment or re-recruitment of children by the LTTE in Batticaloa as compared to the previous twelve-month period.

18. The data also reflect that the number of boys recruited was higher than the number of girls (68 per cent of recruits were boys and 32 per cent of recruits were girls). However the recruitment of more girls than boys was reported in Mullaitivu District. Recruitment of a relatively high proportion of girls was also reported in Kilinochchi District during the period, as indicated in table 2.

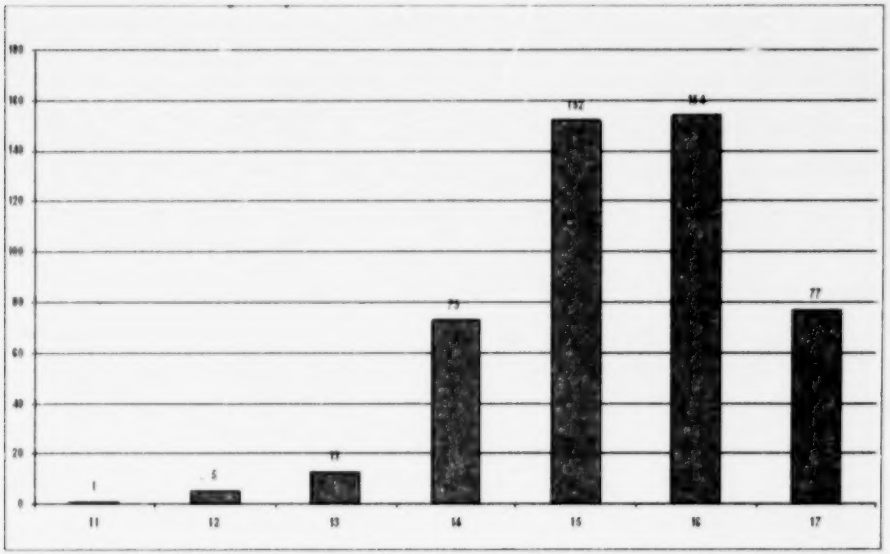
Table 2
Gender analysis of recruitment by district from 1 November 2005 to 31 October 2006



19. On the basis of cases reported to UNICEF, the average age of underage recruits during the reporting period was 16 years, as indicated in table 3.[8]

[8] On the basis of cases reported to UNICEF, the average age of underage recruits has been 16 years since 2004. The average age of underage recruitment was 15 years in 2002 and 2003 and 14 years in 2001.

Table 3
Age analysis of children at the time of recruitment from 1 November 2005 to 31 October 2006



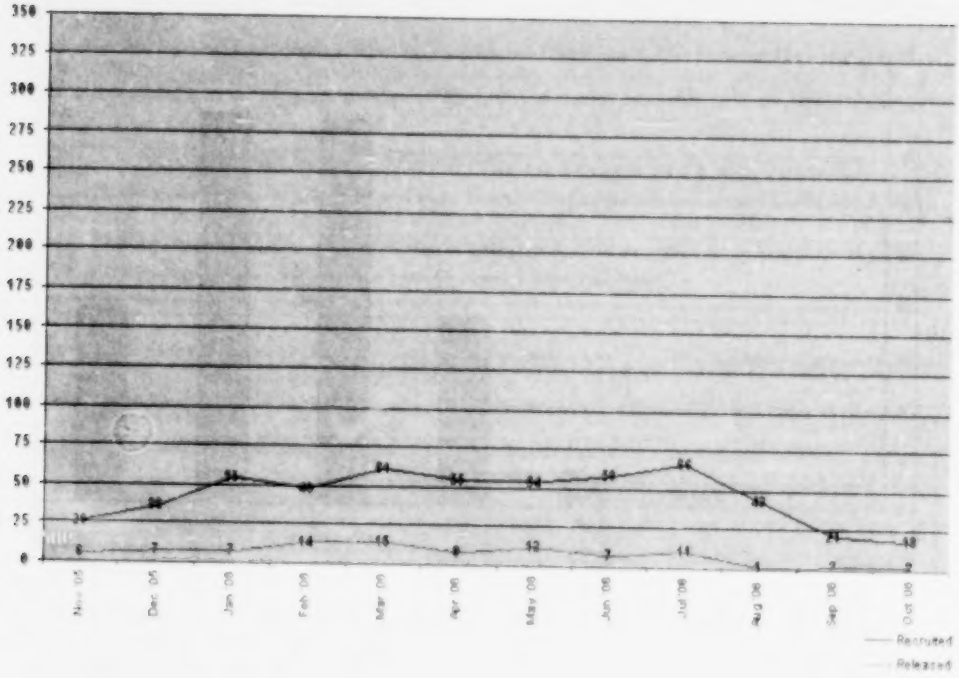
20. During the reporting period, LTTE notified UNICEF that 362 children had been "released" from its ranks, including the recent release of 79 children in September 2006. According to the LTTE release list, 224 of the 362 children were released directly to their parents, while the remaining 138 children were reportedly released to their families through the North-East Secretariat on Human Rights (NESOHR) or transferred to the educational skills development centre by LTTE or NESOHR. During the same period, UNICEF verified the release of 90 children from LTTE ranks, including 69 children on the LTTE release list. UNICEF was not able to verify the alleged release of the remaining children included on the list, as some of the children were allegedly residing at the educational skills development centre, where UNICEF access is limited.

21. UNICEF expressed its concern to LTTE about the transfer of children to the educational skills development centre, as children are being placed in the facility without parental consent and independent verification of the grounds for the child's placement. Parents have also encountered difficulties in gaining access to the children in the facility. UNICEF and LTTE are currently discussing the development of an appropriate and transparent release mechanism for the children, although no firm commitment has yet been received.

22. It should further be noted that the number of children verified by UNICEF actually to have been released by LTTE during the reporting period was consistently lower than the number of children recruited each month, as depicted in table 4.

Table 4

Trends in reported LTTE recruitment and verified releases of children from 1 November 2005 to 31 October 2006



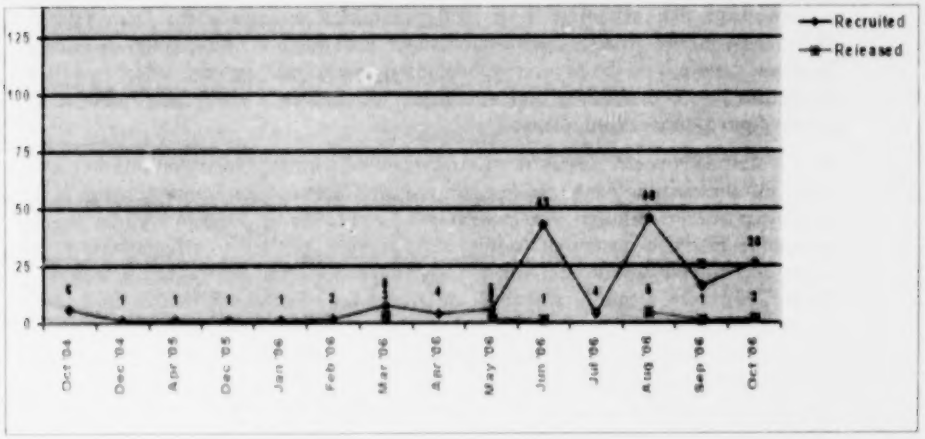
23. Also a matter for concern was a systematic programme of civil defence training provided by LTTE to civilian communities throughout the north and east. Training periods varied from 5 to 45 days. The content of the training is not fully known; however, the training included physical exercise and drills of a paramilitary nature. UNICEF received reports of children as young as 16 years being included in the training programmes. School principals and teachers were also required to attend during school hours, affecting children's schooling. Reports were received from Batticaloa, Ampara, Trincomalee and Kilinochchi Districts of children not returning after attending the training programmes and it was suspected that they had been recruited. Parents who went to find their children were informed to return after three or four months, as their children were said to be undergoing military training.

2. Karuna faction

24. A particularly disconcerting development during the reporting period was the increase in the abduction and recruitment of children in the east of Sri Lanka by the Karuna faction since May 2006. As of 31 October 2006, UNICEF had received 164 reports of children being recruited by the Karuna faction. Fourteen of the recruited children have been released, 15 other children are known to have run away and 7 children have been re-recruited; therefore, as of 31 October 2006, there is a residual

caseload of 142 children who are believed to remain in the ranks of the Karuna faction.

Table 5
Trends in the recruitment and releases of children by the Karuna faction as of 31 October 2006



25. During the reporting period, there were two peaks of child recruitment activity by the Karuna faction, in June and in August 2006, as depicted in table 5. In the space of one week in mid-June, UNICEF received 30 reports alleging that children had been abducted by the Karuna faction in the areas of Santhiveli, Kiran, Mankerni, Valachchenai and Iruthayapuram (Manmunai North) in Batticaloa District. The majority of children abducted and recruited by the Karuna faction were in the Batticaloa District (145 children), followed by Ampara District (17 children), and a child was recently recruited in Trincomalee District. The average age of the child recruited by the Karuna faction is 17 years, and many of the children were taken in group abductions in villages or near their homes.

26. One of several group abductions in recent months took place on 15 June 2006 during a religious ceremony in the area of Kiran, Batticaloa. At around 1.30 p.m. approximately 25 members of the Karuna faction arrived at the temple where villagers were gathering and abducted 18 people, all males. Four of the abducted were children. Witnesses to the incident declare having recognized some of the perpetrators because of their frequent visits to the village. There has been no report about the release of the four children to date.

27. To date, UNICEF received reports of abduction and recruitment only of boys by the Karuna faction. Children have been abducted from the streets, temples and their homes, mainly in Government-controlled areas. Reports were also received that children were recruited and abducted in areas in close proximity to government security offices and checkpoints. All of the cases involved forced recruitment and abduction, in some cases by armed men who directly identified themselves as members of the Karuna faction. Reports have also been received in Batticaloa District that on 14 and 26 June, Sri Lankan Army personnel carrying weapons,

accompanied Karuna faction members who forcibly abducted and recruited nine children aged 14 (two children), 15 (one child) and 17 years (six children).

3. Other concerns

28. On 12 September, new emergency regulations were promulgated by the President appointing the Secretary of Justice as Commissioner for Rehabilitation to oversee protective accommodation and rehabilitation centres for "surrendees"[9] where they should receive rehabilitation and vocational training prior to release. This new system is in the process of becoming operational; however there is still no distinction between children and adults as "surrendees", which goes against the accepted practice for child release.

29. A further concern relates to the treatment of formerly recruited children who come into the custody of the Sri Lankan security forces. A particular concern is the public exposure of children who have surrendered to the Sri Lankan security forces. Insensitive media exposure of former child recruits has led to stigmatization and increased vulnerability on the part of the child and his/her family. For example, in March 2006, two formerly recruited children who surrendered to the Sri Lankan Army in Trincomalee District were transferred to Colombo and paraded before the print and electronic media, demonstrating the use of a weapon that was given to them by army personnel.

B. Abduction

30. The abduction of children has generally been reported in the context of forced recruitment. Cases have included children being grabbed off the street or taken away en route to their destinations and forcibly recruited from temple festivals at night, as well as houses being broken into and children forcibly taken away. There has also been an increase in group abductions as opposed to the abduction of individual children during the past six months.

31. In the reporting period, the Sri Lanka Monitoring Mission received 237 complaints of child abduction, including 117 complaints against LTTE, 105 complaints against the Karuna faction and 15 complaints against the Government. From those complaints, the Sri Lanka Monitoring Mission made 37 rulings against LTTE; 3 rulings against the Government; and 6 rulings against the Karuna faction for the abduction of children. As of 31 October, SLMM had 146 open cases concerning child abduction which had yet to be ruled upon, including 70 complaints against LTTE, 9 complaints against the Government and 67 complaints against the Karuna faction.

32. As a result of the rapid escalation of violence since May 2006, disappearances and abductions are increasing. In Jaffna alone in August 2006, more than 60 disappearances and abductions of the civilian population by LTTE, government security forces and paramilitary groups were reported. The known and reported cases include the abduction of two children 17 years of age in separate incidents in Jaffna on 9 and 19 August 2006 in Kantharodai Veethi and Punkudutheyu divisions

[9] Combatants, including children under 18 years old who have surrendered or were captured by government forces.

respectively. Government security forces are alleged to have been involved, and the Human Rights Commission of Sri Lanka is following up on those cases.

C. Incidents of killing and maiming

33. According to the Sri Lanka Monitoring Mission, there were at least 2,118 known conflict-related deaths, including the killing of 1,135 civilians, a significant number of them being children, during the reporting period. The acceleration of violence since May 2006 has resulted in an increase of child casualties in recent months. For example, in early August, the Government recorded 12 child deaths in Mutur division alone. The deteriorating security situation, however, precludes obtaining a comprehensive tally of the number of children killed in affected areas.

34. During the reporting period, several of the children who were killed had been utilized by LTTE as child soldiers or were alleged to have been affiliated with LTTE. For example, on 17 June, a 15-year-old boy from Point Pedro was killed in the Government and LTTE zone of separation, close to the Muhamalai checkpoint. According to SLMM, the boy was carrying pictures of himself in LTTE uniform when he was found dead. Three Sri Lankan Army soldiers reportedly admitted to shooting the boy. On 29 July, the body of a 16-year-old boy affiliated with LTTE was found dead with gunshot wounds in Kayts, Jaffna. An ongoing inquiry is being conducted; however, the case remains unresolved at the time of reporting. Further, on 29 August, 16 mutilated bodies, including the bodies of three Tamil boys 15, 16 and 17 years of age, were delivered to Vavuniya Hospital. It was alleged by the Government that the victims were LTTE members killed while they were attacking a Sri Lankan Air Force base in Poovaragankulam, Vavuniya. However, according to SLMM, the victims were reportedly unarmed.

35. Children were also among the casualties of the indiscriminate use of claymore mines. From January to June 2006, a United Nations mine action group received reports of more than 440 persons, including 202 civilians, being killed or injured by claymore mine incidents in Sri Lanka. According to SLMM, the number of attacks, the targets, the tactics used and the geographic dimension pointed towards LTTE as being the most likely perpetrator. It does, however, not rule out the possibility that some attacks might have been executed by other actors or that they could be covert operations.

36. Indiscriminate use of claymore and pressure mines and other methods of killing that allegedly were employed by LTTE and that resulted in child casualties include a case on 19 January in which a child 15 years of age was killed by a claymore mine attack allegedly conducted by LTTE in Thandavanveli, Batticaloa District. Further, on 15 June, 65 civilians, including 14 children, were killed and 70 other civilians were injured by a claymore mine attack on a civilian bus at Kebitigollewa in Anuradhapura District.

37. Indiscriminate use of claymore mines, aerial bombardments and other methods of killing allegedly conducted by the Government also resulted in child casualties. They included a bombing raid by the Sri Lankan armed forces on LTTE positions around Sampur and Mutur in Trincomalee District on 25 April, which killed four children, ages 4, 14, 15 and 16, and injured 14 children, ranging in age from three months to 17 years. Another example is the aerial bombardment of a compound in Valepuram, Mullaitivu, by the Government on 14 August, which killed at least 40

adolescent girls and injured at least 100 other girls. It was reported that at the time of the aerial strike 400 to 600 adolescent girls were assembled at the compound where they had been required by LTTE to undertake "first aid and propaganda training".[10]

D. Attacks on schools and hospitals

1. Attacks on schools

38. The intensification of the conflict during the reporting period resulted in an increased number of attacks on schools that were traditionally preserved as zones of peace and safe places of refuge. For example, on 25 April, the Sri Shanmuga Pre-School and the science laboratory of Chenaiyoor Central College were damaged in government air and artillery strikes around Mutur in Trincomalee District and were forced to close, while on 3 October, the Murunhan MV School in Mannar District was subject to shelling by government forces, which resulted in damage to school buildings, the district education office and the teacher centre in the surrounding area. According to reports, the Murunkan area is frequently shelled which has resulted in the temporary night displacement of the local population. The school also reportedly experienced a significant reduction in school attendance, as most children are afraid to attend school, and approximately 75 children have stopped attending.

39. Schooling throughout the north and east, particularly in Jaffna, Trincomalee, Vavuniya and Batticaloa, was also severely affected by security incidents. Schoolchildren in Jaffna District were particularly affected by the rapid onset of the conflict on 11 August, with the forced closure of all schools in Jaffna from 9 September until 9 October owing to the student union boycott called in protest to the ongoing hostilities in Jaffna. Two schools in the high security zone in the Tellipallai area (Union College and Thanthai Selva Vidyalaya School) of Jaffna, are not operational as they have not been accessible since 11 August owing to security reasons. The re-opening of those schools is not currently envisaged. The children are currently attending classes in their displaced locations.

40. In Trincomalee, Batticaloa and Ampara Districts, school attendance rates were also reduced in many places owing to fear of recruitment and the general insecurity. The fear of attending school was not restricted to the north and east of Sri Lanka; after the assassination of Major General Parami Kulatunga on 26 June 2006, many schoolchildren in Colombo and the south did not attend school on the days that followed, as there were widespread rumours that all schools would be bombed by LTTE.

41. In addition, throughout the north and east of Sri Lanka, military checkpoints and the Tamil Makkal Viduthalai Puligal (TMVP) political offices are positioned in very close proximity to schools, including directly adjacent to and even on the grounds of schools and pre-schools. In Batticaloa, for instance, the Karuna faction opened a political office of the TMVP next door to St. Cecilia's Girls High

[10] Based on interviews with three survivors of the incident by a consultant to the Secretariat for Coordinating the Peace Process, Government of Sri Lanka.

School.[11] The close proximity to military checkpoints and political offices further perpetuates fear among those children who attend school and exposes children to a heightened risk of physical attack, as these locations are often the target of grenade and claymore mine attacks. On 25 October 2006, for instance, an LTTE member allegedly threw a hand grenade at the TMVP office in Chenkalladi, Batticaloa, killing three people and injuring eight people. Further, the constant exposure to a highly militarized environment has further compounded the immense fear among children.

2. Attacks on hospitals

42. During the period, there was one reported attack on hospitals. On 2 August, the maternity and female wards of the Mutur Base Hospital in Trincomalee District were completely damaged, and the operating theatre complex, the outpatient department and the nursing quarters were partially damaged as a result of the shelling. The identity of the responsible party has yet to be determined.

43. The high-security presence surrounding hospitals also caused fear among community members and deterred them from entering the hospital premises. For example, Mannar District Hospital has an army checkpoint at its entrance, and there is occasional firing from the sentry, particularly during the evenings, which inhibits the access of civilians to the hospital premises.

E. Grave sexual violence

44. While several cases of rape were reported from the conflict-affected areas, the reported cases were not applicable to children.

F. Denial of humanitarian access

45. Following the escalation in hostilities, the Government has imposed restrictions on humanitarian agencies. This has had a serious impact on humanitarian access, particularly as it affects those most vulnerable, especially children.

46. The July and August 2006 military operations in Trincomalee and Batticaloa Districts prompted large-scale displacement and created an urgent need for humanitarian assistance. As a result of Government restrictions on the movements of humanitarian agencies, access to displaced persons in many areas has been extremely limited, with some areas remaining off-limits altogether, including the entire Eachchilampattu Division, and for a period, much of Mutur division in Trincomalee. In Vaharai DS Division, Batticaloa, where there were an estimated 42,880 internally displaced persons as at the end of September, humanitarian access was limited to the International Committee of the Red Cross and the organizations and agencies of the United Nations only, and only at regular intervals.

47. The closure of the forward defence lines by the Sri Lanka Army on 11 August 2006 has seriously impeded movements between Vavuniya and Kilinochchi for

[11] The parents and school authorities have protested to the Government against the positioning of the political office.

almost two months. Humanitarian agencies, including those of the United Nations, were prevented from delivering essential supplies, and only limited supplies were provided by the Government, leading to a critical shortage of food, medicines and fuel in particular. Restrictions on movements of United Nations personnel were eased at the beginning of October, but movements of international staff of international non-governmental organizations remains restricted. The closure of the forward defence lines and the A9 highway also led to the stranding in Vavuniya for several weeks of approximately 2,000 people, many of whom were children separated from their families and unaccompanied minors, including a group of 23 schoolchildren from Jaffna.

48. In Jaffna, a strict curfew imposed when hostilities began on 11 August 2006, combined with the closure of the A9 road and cessation of commercial air flights, effectively left the peninsula cut off from the rest of the country for over a month. The measures resulted in shortages of food, medicines and other essential items, which could be brought into Jaffna only by means of government cargo ships, which started arriving on 24 August. By mid-September, the curfew had eased intermittently throughout much of the peninsula; however, many areas remained off-limits for United Nations entities, including areas east of Kodidkamam and the islands off the coast of Jaffna.

49. Humanitarian organizations, including organizations and agencies of the United Nations system, have had particular difficulty in gaining access to areas controlled by LTTE. Military checkpoints frequently impose registration requirements beyond those required by the Ministry of Defence, including the registration of the staff and vehicles of local NGOs. In Batticaloa District, Government restrictions limit NGO access to LTTE-controlled areas.

50. There have also been frequent incidents of threats and attacks against humanitarian workers, which have severely affected the delivery of humanitarian assistance. For example, on 30 January 2006, 10 members of the Tamil Rehabilitation Organization (TRO) were abducted by unknown men on the Batticaloa-Polonaruwa highway. Three of those abducted were released; however, seven remain missing. On 10 April, a claymore mine attack in Mirusuvil, Jaffna District resulted in the death of six persons, including two Caritas workers. Further, on 16 May, a driver from the Norwegian Refugee Council was shot and killed in Vavuniya, reportedly by the Sri Lankan forces; and on 4 August 2006, 17 local employees of the French NGO *Action contre la faim* were murdered in Mutur, also allegedly by the Sri Lankan forces. The Government has referred the latter case to the special commission of inquiry and has invited a team of Australian forensic specialists to observe and assist the investigation into this case. In addition, on 20 August 2006 a local staff member of the Sri Lanka Red Cross Society was shot dead by unknown gunmen in Cheddikulam, Vavuniya District; and on 24 August 2006, a consultant for the Office for Project Services was found shot dead in Thambiluvil, Ampara District.

51. Following discussions between United Nations entities, INGOs and NGOs regarding impediments to humanitarian access, a consultative committee with United Nations entities, the International Committee of the Red Cross and representatives of the European Union has been established under the Ministry of Disaster Management and Human Rights. It includes the Ministries of Defence and Foreign Affairs and the Commissioner General of Essential Services. The purpose is

to solve problems related to fuel, food supplies, medicine and essential items and respond to the difficulties the agencies face in carrying out their activities.

IV. Dialogue, action plans and monitoring and reporting to redress violations of children's rights

A. Dialogue

52. There was sustained public advocacy on child protection issues, particularly in respect of the military recruitment of children and the rising levels of violence and its impact on civilians and humanitarian workers. A variety of sources within the United Nations system, including the Secretary-General, the Special Representative of the Secretary-General for children and armed conflict, the Office of the United Nations High Commissioner for Human Rights, the United Nations Emergency Relief Coordinator and UNICEF issued public advocacy initiatives. Concern for children's rights was also reflected in several international statements and interventions by, inter alia, the donor co-chairs (European Union, Japan, Norway and the United States of America), the European Parliament and international non-governmental organizations, including Amnesty International and Human Rights Watch. Domestic agencies, including the Human Rights Commission of Sri Lanka, also advocated concern for children's rights.

53. The United Nations Children's Fund continues to pursue efforts with LTTE to obtain the release of children and stop their recruitment into its ranks. Monthly recruitment reports are produced by UNICEF, and copies of that report are shared with LTTE. In a meeting between UNICEF and LTTE in October 2006, it was agreed that each side would designate three persons (known as a "3x3 meeting") to meet regularly to discuss technical issues concerning the release of children and measures to stop recruitment. Dialogue continues to take place between UNICEF and LTTE through that forum; two meetings were held in 2006. LTTE also announced the formation of a child protection unit; however, the unit's terms of reference require further clarification. In June 2006, LTTE and UNICEF further discussed the importance of maintaining an appropriate release mechanism and the role of the educational skills development centre in the release of children to their families.

54. Following the reported recruitment of children by the Karuna group in Batticaloa District, UNICEF also met with the "political wing" of the Karuna faction, the TMVP, in June 2006 to remind them of their obligations not to recruit children and to seek the release of underage recruits. That dialogue is ongoing.

B. Action Plan for children affected by war

55. In June 2003,[12] the Government and LTTE endorsed an action plan for children affected by war in the North-East of Sri Lanka (henceforth referred to as "the Action Plan") in collaboration with key technical partners including agencies and organizations of the United Nations system and international and national NGOs. The Action Plan was initially a two-year programme, from July 2003 to June

[12] As agreed during the peace talks in Oslo in December 2002 and in Berlin in February 2003.

2005. However, it was extended until July 2006, pending completion of a comprehensive review.

56. The Action Plan was a multi-agency and multisectoral programme designed to improve the living conditions of all children affected by war in all eight districts of the North-East of Sri Lanka, including underage recruits, children engaged in hazardous labour, school dropouts, street children and other vulnerable children.

57. Under the Action Plan, LTTE committed to cease all recruitment of children and release all children already in its ranks. Important progress was made in reducing the rate of recruitment, as recruitment reported to UNICEF steadily fell from 1,464 children in 2002 to 1,213 children in 2003, 819 children in 2004, 586 children in 2005 and 424 children in 2006, as of 31 October 2006. Re-recruitment trends fluctuated, with 29 children in 2002, 67 children in 2003, 277 children in 2004, 115 children in 2005 and 55 children in 2006, as of 31 October 2006. Further, the average age of recruitment increased from 14 years to 16 years during that period. However, the commitment made by LTTE to cease all recruitment and to release all underage recruits clearly was not achieved. A true commitment to the Action Plan would be signalled by the immediate release of all children remaining on the UNICEF database, open access to independent monitoring and verification and immediate cessation of any further recruitment of underage children.

C. Monitoring and reporting

58. The Government and the United Nations country team held extensive discussions on the terms of reference and modalities for the establishment of a task force on monitoring and reporting within the framework of Security Council resolution 1612 (2005). The inaugural meeting of the Task Force was held on 26 July 2006. The task force is chaired by the Resident Coordinator, and the UNICEF Representative serves as the Deputy Chair. The task force currently comprises representatives from the United Nations (United Nations Development Programme, United Nations Children's Fund, Office of the United Nations High Commissioner for Refugees and International Labour Organization and the senior human rights adviser to the United Nations country team); from the Government of Sri Lanka bodies concerned with the protection of rights of children (the National Child Protection Authority and the Human Rights Commission of Sri Lanka); and from civil society, including a national NGO (Sarvodaya) and an international NGO (Oxfam Great Britain) with experience in the protection of rights of children affected by the armed conflict that could support monitoring and reporting. The International Committee of the Red Cross participates in the task force as an observer, and a representative from SLMM has assisted the task force with additional information pertaining to the verification of cases.

59. In the districts and in Colombo, meetings are held between the International Committee of the Red Cross, the Sri Lanka Monitoring Mission and UNICEF to follow up on the situation of child recruitment. International agencies and NGOs have also collaborated on specific prevention and protection initiatives. For instance, in June 2006 a number of agencies working in Batticaloa and Trincomalee Districts organized a rotating international presence at temple festival sites where recruitment had previously occurred. There have been no reported cases of child recruitment at those festivals in 2006.

60. In Colombo and at the district level, there are also inter-agency coordination forums aimed at increasing the participation of community actors in the prevention of child recruitment and other forms of violations. In May 2006, an inter-agency child protection meeting involving key international agencies and United Nations organizations working in the north and east of the country was held, resulting in key action points that are aimed at enhancing district-level collaboration and community participation. In addition the Office of the United Nations High Commissioner for Refugees leads the monthly working group for the protection of internally displaced persons in Colombo.

61. Additional programmatic responses include recording of cases by the regional offices of the Sri Lanka Human Rights Commission and the establishment of help desks in Government-controlled areas. However, currently the regional offices are receiving only an estimated 30 per cent of the actual cases owing to limited access to areas and a culture of rumours, intimidation and fear in relation to the reporting of violations. UNICEF has held discussions with the police in order to build confidence within the community with respect to reporting cases, as many community members are afraid to report at the local level. The level of trust the community needs to report violations may also be enhanced by the recent drafting by the Law Commission of Sri Lanka of a witness protection law that aims to protect the identification of witnesses.

V. Challenges in the delivery of assistance to conflict-affected children

62. The child protection community in Sri Lanka continued to face a number of significant challenges in addressing violations against children in the context of the conflict, including the following:

(a) There is a continued lack of commitment from LTTE to stop all child recruitment and release all children within its ranks within the agreed procedures;

(b) The abduction and recruitment of children by the Karuna faction in the Eastern districts is increasing, as well as the challenges of developing and sustaining a humanitarian dialogue on child protection issues with the Karuna faction;

(c) The political and security context in Sri Lanka has deteriorated rapidly, accompanied by heightened levels of violence affecting children and communities, particularly since May 2006;

(d) Restrictions on humanitarian agencies imposed by the Government following the escalation in hostilities, particularly since July 2006, have seriously impeded the agencies' ability to reach and assist the children most vulnerable to the conflict;

(e) Conditions applied by LTTE continue to impede the impartial delivery of assistance by NGOs;

(f) A climate of fear exists among community members owing to insecurity arising from the prevailing security conditions, intimidation from the parties involved in the conflict and the lack of a mechanism to ensure the security and safety of complainants. The overwhelming fear felt by community members impedes the reporting of violations and hinders the mobilization of communities for

6. I stress the need for the Government to investigate immediately allegations that certain elements of the Sri Lanka security forces are involved in aiding the recruitment and/or abduction of children by the Karuna faction in the East, and I invite immediate support from UNICEF and other relevant agencies to address those allegations.

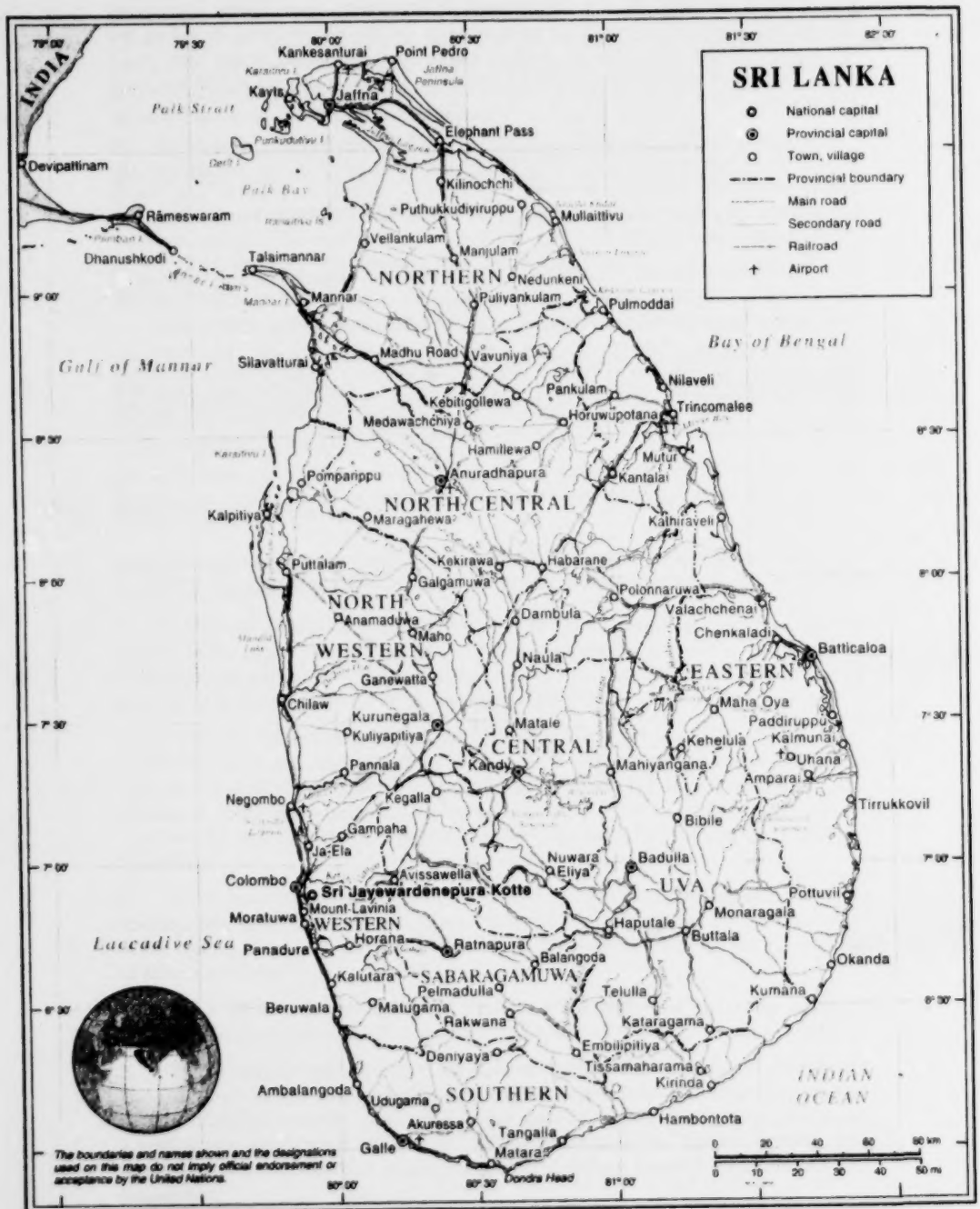
7. I encourage the co-chairs and the Norwegian facilitators to approach the parties to include a substantial child protection component in the mandate of the peace monitoring mission, in order to intensify efforts to monitor and verify compliance by parties listed in annex II of the report of the Secretary-General on children and armed conflict.[6]

8. The United Nations country team stands ready to support the Government of Sri Lanka in rapidly devising child-appropriate release and interim care for "surrendees" from armed groups in the custody of the Government of Sri Lanka.

9. The international community should support the work of UNICEF and other relevant agencies to increase the capacity of the monitoring and reporting mechanism, including the necessary funding to increase the capacity of the Human Rights Commission of Sri Lanka and the National Child Protection Agency.

10. I urge all parties to recognize and commit to maintaining the neutrality and security of schools, hospitals and religious institutions as "safe zones" in conflict-affected areas.

11. I call on the Government of Sri Lanka and all relevant parties to ensure open and safe access by humanitarian actors in Sri Lanka to affected areas.



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Report of the Secretary-General on children and armed conflict in Nepal

Summary

The present report has been prepared in accordance with the provisions of Security Council resolution 1612 (2005). The report, which covers the period from 1 August 2005 to 30 September 2006, provides information on compliance and progress in ending the recruitment and use of children and other grave violations being committed against children in situations affected by armed conflict in Nepal. It reflects incidents of violations both before and after the April 2006 ceasefire.

The report notes that although many of the reported violations occurred prior to the ceasefire between the State and the Communist Party of Nepal-Maoist (CPN-M), there are still serious abuses being perpetrated against children. A serious concern since the April 2006 ceasefire is that recruitment and use, and abductions of children by CPN-M continue. The recent Comprehensive Peace Agreement between the Government and CPN-M, however, includes provisions which commit the parties to reintegrating children associated with armed groups into their families and marks the first time this issue has been addressed within the peace process.

The report contains a series of recommendations with a view to securing strengthened action for the protection of war-affected children in Nepal, including the need for dedicated child protection expertise in any future United Nations mission to Nepal.

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I. Introduction

1. The present report, prepared in accordance with the provisions of Security Council resolution 1612 (2005), covers the period from 1 August 2005 to 30 September 2006. The incidents of violations cited for the reporting period serve to illustrate the nature and the trends of child's rights violations in Nepal, both before and after the April 2006 ceasefire. The report focuses specifically on the killing and maiming of children, their recruitment and use as soldiers, abductions, sexual violence, attacks on schools and hospitals, and the denial of humanitarian access to children.

2. The monitoring and reporting task force on child's rights violations within the framework of Security Council resolution 1612 (2005) (monitoring and reporting task force), made up of United Nations, international and national non-governmental organizations, was set up in November 2005 to monitor and report on the six grave violations listed in the resolution. Members have a presence in 68 of the 75 districts of Nepal.

3. It should be noted that many of the reported violations occurred prior to April 2006 in the context of the armed conflict between the State and the Communist Party of Nepal-Maoist (CPN-M). Since April, with the restoration of democratic rights, the announcement of ceasefires by both sides and a series of agreements from continuing peace talks, hostilities between the two parties have ceased, resulting in a commensurate reduction in conflict-related abuses. However, there are still serious abuses being perpetrated against children and the issue of accountability for past

abuses has not been addressed in any meaningful way. A serious concern since the April 2006 ceasefire is that recruitment and use, and abductions of children by CPN-M continue.

4. However, the recent Comprehensive Peace Agreement signed by the Government and CPN-M on 21 November 2006, which includes provisions committing the parties to reintegrating children associated with armed groups into their families, marks the first time this issue has been addressed within the peace process.

II. Political, military and social developments

5. Nepal has experienced an internal armed conflict since CPN-M launched its insurgency in February 1996. At the beginning of the conflict, security operations were conducted by the Nepal Police, later reinforced by the establishment of the Armed Police Force. In November 2001, the Royal Nepalese Army (RNA)[1] was mobilized to combat the growing insurgency and in November 2003, the Nepal Police and Armed Police Force were placed under the "unified command" of RNA for joint counter-insurgency operations. Two attempts at peace negotiations between the Government and CPN-M after the 2001 and 2003 ceasefires were unsuccessful. The armed conflict then intensified, with many reported international humanitarian law and human rights violations.

6. On 1 February 2005, King Gyanendra Bir Bikram Saha Dev declared a state of emergency, suspending some fundamental rights, including freedom of assembly and expression and rights related to preventive detention. The state of emergency was revoked in April 2005, although the King exercised executive authority directly until April 2006.

7. On 3 September 2005, CPN-M announced a three-month unilateral ceasefire that was not reciprocated by the Government. In early October 2005, the Government announced that municipal elections would be held on 8 February 2006 and parliamentary elections by April 2007. An alliance of seven political parties, which had opposed the royal takeover and refused to accept the King's executive role, decided to boycott the municipal elections and announced a campaign of protest rallies and demonstrations across the country. CPN-M declared that it would disrupt the elections.

8. On 22 November 2005, the Seven-Party Alliance (SPA) and CPN-M announced their common adoption of a 12-point "letter of understanding", including a call for an "end to autocratic monarchy" and the election of a constituent assembly. The "understanding" committed CPN-M to multiparty democracy, human rights and the rule of law, and stated that the armed CPN-M force and RNA would be kept "under the supervision of the United Nations or any other reliable international supervision" during constituent assembly elections. In early December 2005, CPN-M extended its ceasefire by one month; that action again was not reciprocated. The unilateral ceasefire ended on 2 January 2006 with CPN-M stepping up its military activities.

[1] Until 18 May 2006, the armed forces of Nepal were referred to as the Royal Nepal Army. Since then, the armed forces are referred to as the Nepal Army.

9. There have been important developments since September 2006, including the signing of the Comprehension Peace Agreement. A subsequent understanding was reached between the Government of Nepal, CPN-M and the United Nations about the modalities for the management of arms and monitoring of the Nepal Army and the People's Liberation Army (PLA). A proposal from the Secretary-General to deploy an advance team of monitors and election personnel was also endorsed by the Security Council on 1 December 2006 (see S/PRST/2006/49).

Parties to the armed conflict in Nepal

10. The three branches of the government security forces, the Nepal Army, the Armed Police Force and the Nepal Police, have been involved in the armed conflict.

11. All CPN-M-affiliated organizations have also been involved in the armed conflict. PLA, the military wing of CPN-M, has benefited from the active support of the full and part-time militia as well as from party members and members of cultural groups. These CPN-M organizations not only served as a means of recruitment, but also took an active part in intelligence activities or support to PLA during military operations. The CPN-M-affiliated organizations include the CPN-M student wing, the All Nepal National Independent Student Union-Revolutionary (ANNISU-R), and its women's association, the All Nepal Women's Association-Revolutionary (ANWA-R).

III. Grave violations of children's rights

A. Recruitment and use of children in armed forces and groups

1. Government forces

12. There have been only a small number of reports of recruitment of children into the State security forces; however, the use of children by the security forces as messengers, spies or informants has been well documented.

13. The practice of forcing information out of children who surrendered to the security forces or who were captured and detained in State custody is especially prevalent. Many children were forced to disclose information about their past activities with CPN-M, provide sensitive information to RNA and sometimes guide the security forces to the physical locations of CPN-M camps, thus putting their lives further at risk. Moreover, children who were arrested by RNA, sometimes after having escaped from CPN-M, were subsequently detained illegally in locations such as RNA barracks because of their previous association with CPN-M. A large majority reported that they were subjected to threats, ill-treatment or torture by army personnel to extract information. Some were detained under anti-terrorist legislation, in violation of international standards.

2. Communist Party of Nepal-Maoist (CPN-M)

14. There are no overall figures for the number of children associated with CPN-M, as human rights monitors and child protection agencies were denied access to children in affected areas. However, it is believed that CPN-M has recruited several thousand children over the years and that they form a large part of the PLA

06-66694

troops, as well as a large number of the cadres in the other organizations inside CPN-M.

15. The documentation of individual cases of children used/recruited by CPN-M has become easier, with some of the constraints such as lack of access or fear of immediate retaliation being reduced as a result of the ceasefire. During the reporting period, 512 individual cases of recruitment by CPN-M have been documented, 40 per cent of them girls. Girls provided detailed accounts of their military experience, such as a 13-year-old girl who underwent military training before joining the Dalit Mukti Morcha militia group. Information received regarding the composition of CPN-M and allied militia groups indicates a large presence of females, approaching 50 per cent in some cases. A 16-year-old girl from Sindhupalchowk district who was interviewed stated that she had trained with nine other persons to produce and operate socket bombs; half of the trainees were female. The youngest child was an 8-year-old schoolboy from a disadvantaged community of the Mid-western Region, used as messenger for over a year and a half. Of these 512 children, only 172 are known to have returned to civilian life. The most affected areas are the Mid-western Region and the Far-western Region.

16. During the 10 years of conflict prior to the April 2006 ceasefire, CPN-M instituted special recruitment campaigns, such as the "one family, one member for the Party", where children were recruited, forcibly or "voluntarily".[2] But the process of drawing children into the movement was also carried out through the community activities of CPN-M cultural groups, the full or part-time militias and sister organizations, such as ANNISU-R, ANWA-R, or directly by PLA. The widespread practice of mass abductions, forced participation in mass meetings and cultural events in rural areas has played a decisive role in funnelling children into the various CPN-M organizations to support the CPN-M "cause" and subsequently to be involved directly or indirectly in CPN-M military activities. For example, a 12-year-old boy from Kalikot district was attracted by the political sessions and cultural programme regularly carried out in his school by ANNISU-R. He started being active in CPN-M by helping to initiate student's unions before undergoing military training, during which he learned how to use guns, bombs and other weapons. He then joined PLA and took part in military operations before he escaped after two years.

17. Children from all CPN-M organizations provided support to PLA in various capacities: as fund-raisers, mobilizers, messengers, spies, or providers of food or shelter. Children were also used as sentries, bodyguards, logistics assistants, combatants and officers in PLA. Information was collected about the use of children as PLA combatants during clashes in Palpa (January 2006), as well as testimonies about the significant number of children used in supporting roles (porters) during a PLA attack in Panauti, Kavre district (February 2006), and during a clash in Khidim, Arghakanchi district (February 2006).

18. CPN-M placed strong emphasis on mobilizing the Nepali youth population through ANNISU-R, which has been very active over the past 10 years. ANNISU-R has committees on university campuses and has also, more disturbingly, set up committees and children's associations in primary and secondary schools that in

[2] Under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, "voluntary" recruitment of children under the age of 18 by non-State actors is not recognized.

turn form CPN-M-affiliated area units. Activities carried out by ANNISU-R are political, but also serve to enrol children in other parts of CPN-M and spread the Party's political ideology by holding political lectures in schools.

19. A large number of children interviewed by task force members have also been part of the CPN-M militia, otherwise known as the Jana Militia. The militia was initially set up by the Party to ensure the protection of villages as well as to carry out political and indoctrination meetings/collect taxes/supervise or directly take care of administrative tasks carried out by the State Village Development Committee secretaries in the communities. The low-level cadres in the part-time militia are generally unarmed, whereas the full-timers (known as "whole-timers") have unsophisticated weapons.[3] Children in the part-time militia are generally between 10 and 16 years old and carry out propaganda activities, distribute CPN-M newspapers or serve as spies and messengers. However, the "whole-timers" are usually not posted in their district but are rather deployed in other areas to carry out strategic activities such as logistical support to PLA. Officially, only children over 16 years of age can join the "whole-timers", but some are much younger. Adults and children alike are given one-month training on personal security, military tactics and political ideology. The children who are "whole-timers" no longer live with their parents or go to school; all their activities are connected to the Party. They also take part in regular Party activities, such as working with the CPN-M "area in-charge", assisting the "people's courts",[4] collecting "voluntary" donations or forcefully extorting money from the general population. Being a "whole-timer" can lead to the next step of joining PLA.

20. The general practice of PLA is to enrol children above the age of 16 after an initial period as members of the CPN-M militia, according to the statements collected from PLA field commanders such as in Siraha district, Eastern Nepal, in August 2006. However, according to PLA sources, children particularly keen to join are also integrated without following regular procedures. There were 72 documented cases of children newly recruited into PLA after April 2006, the youngest being 12 years old. For example, in the Eastern Region, the Office of the United Nations High Commissioner for Human Rights (OHCHR) confirmed the abduction by PLA of five boys between the ages of 13 and 17 from the Bhanubhakta Secondary School, Mangalbare-4, Ilam town. The families of the abducted children maintain that the children were forcibly taken by CPN-M and have demanded their safe release. However, CPN-M has yet to release the children.

21. Of further concern is the active recruitment of children carried out by CPN-M since the April 2006 ceasefire. A total of 154 new incidents in all five regions were documented from May to September 2006, of which 72 involved recruitments into PLA and 82 into other CPN-M-affiliated organizations, including militias. The total number of newly recruited children is believed to be much higher, as many incidents reported could not be investigated owing to the lack of resources. Among the 154 cases, 2 took place in May, 3 in June, 24 in July, 84 in August and 41 in September. It should be noted that most of these children were enrolled in schools at the time of their recruitment. Some of the 72 recruited into PLA were promised money by CPN-M recruiters and/or employment in the still to be formed new national army.

[3] They include katuwa (home-made guns), pressure cooker bombs, socket bombs and .303 rifles.

[4] People's courts are set up by CPN-M to "adjudicate" civil and criminal matters, but are not part of the State justice system.

22. There has been no sign of significant releases of minors by CPN-M in any of the five regions of Nepal. A small number of children reportedly succeeded in escaping and returning home and, in a few isolated cases, did so after negotiating with CPN-M leaders themselves. It is believed that a number of teenage boys may have left the country to avoid forced association with CPN-M. Other protection mechanisms developed by families have been to keep their children away from schools to avoid possible recruitment or to marry their teenage daughters as early as possible.

23. The security situation of those who escaped was delicate, as they feared re-recruitment or punishment by CPN-M if they returned to their communities and, prior to the ceasefire, possible arrest by the security forces. Before April 2006, some of them chose or were forced to "surrender" to the State authorities, hoping for a peaceful return to civilian life. Protection agencies expressed serious concerns about the lack of a proper mechanism within the then Government to deal with persons "surrendering" to the State authorities and the absence of special provisions for dealing with juveniles. Despite several requests to the State authorities, no practical solution was put in place to address protection concerns, such as the absence of a tracking mechanism for those juveniles who allegedly surrendered over the past few years, some of whom were reportedly sent abroad for employment.

Unlawful detention of children accused of association with CPN-M

24. On 26 November 2001, the then Government promulgated an anti-terrorist law, the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO). The Ordinance lapsed at the end of September 2006 and has not been renewed. A significant number of children were captured by RNA or arrested by the Nepal Police and the Armed Police Force because of their alleged association with CPN-M. The legality of their subsequent detention, including the lack of due process and their treatment, was a major concern.

25. From 2001 to 2006, six TADO ordinances and one Act were promulgated consecutively, all providing powers to hold persons in preventive detention for up to 12 months if there were reasonable grounds to believe that they should be prevented from committing any TADO offences, as well as to hold in pre-trial detention persons suspected of having committed such offences. During the reporting period, task force members documented the cases of 195 juveniles held under TADO in various places, including army barracks, police stations, prisons and high security centres.

26. Among the 195 children, 43 per cent were below the age of 16 at the time of their arrest, the youngest being 11 years old. Fifty-eight were girls (30 per cent). Some 73 per cent identified RNA as the arresting authority, while the remaining children identified the police or the Unified Command. A small number identified the Armed Police Force. Most of these children were detained in army barracks and base camps and did not have any contact with their families. The majority claimed to have been held incommunicado when detained by RNA for periods sometimes amounting to six months, in violation of international standards. For example, a 16-year-old boy in the Morang High Security Centre has been detained for 10 months with no means of communicating with his relatives.

27. According to the findings of the monitoring and reporting task force, the majority of the children held under TADO were victims of ill-treatment or torture

after their arrest, mainly during the initial interrogations. More than 80 per cent of the 101 children who responded to the interviews by the task force provided detailed accounts of ill-treatment and torture. The methods of torture included blindfolding and handcuffing for extended periods of time, beatings with sticks mainly on the soles of the feet, kicking and punches on the head and the chest. Some children also reported electric shocks, water immersion until suffocation and mock executions.

28. In May 2006, the new Government publicly announced that all detainees held under TADO, including juveniles, were to be released. Documentation has indicated that at least two juveniles are still kept in detention under other offences, but most of the others are thought to have been released. The task force members documented the situation of two girls, 15 and 17 years of age, both formerly associated with CPN-M, who are now charged with murder and are detained in the Nuwakot District Police Office together with other CPN-M members.

B. Abduction

Communist Party of Nepal-Maoist (CPN-M)

29. Children were abducted by CPN-M throughout the reporting period for various purposes: some were taken to indoctrination programmes or enrolment campaigns; others were captured as part of the CPN-M extrajudicial "law enforcement" practices, as punishment for alleged offences.

30. Mass abductions were reportedly perpetrated throughout the period of active conflict, sometimes targeting thousands of individuals, including students and teachers taken away from schools, usually in rural areas. Seventy-nine such incidents were documented from August 2005 to date. For instance, during the CPN-M September/December 2005 unilateral ceasefire, national human rights organizations reported thousands of abductions, including some 3,000 children. A number of these incidents were documented by the monitoring and reporting task force, such as one that took place in Rukum on 22 September 2005 when hundreds of students were brought from different schools to a meeting held by ANNISU-R. A similar incident occurred in Dang on 14 November 2005 when some 300 students were taken away from their schools for three consecutive days. After April 2006, mass abductions reportedly decreased compared to the pre-ceasefire period, largely because the CPN-M has since been able to operate openly. Nevertheless, 23 large-scale abductions were documented after April, during which children had to take part in political mass gatherings, "amsabha", in Mugu, Kanchanpur, Kailali, Palpa, Kavre, Kathmandu and Morang.

31. The CPN-M also abducted civilians including minors, as a punishment for alleged offences, sometimes coupled with forced labour. Forty-five such abductions for "law enforcement" purposes took place, mostly after the April 2006 ceasefire. This fits into the larger pattern of abductions documented all over the country, where CPN-M has openly set up "people's courts" and its own form of "justice". Children as young as 11 years of age have been taken into captivity and accused of crimes such as sexual violence, illicit relationships (outside of marriage), petty crimes, public disorder, or more serious incidents such as rape or murder. As an illustration, six children between 14 and 16 years of age were among the 10 persons abducted on 20 June by CPN-M and found two days later in the Madeshi Liberation

Front office in Nawalparasi district, where they were being held on the accusation of theft.

C. Incidents of killing and maiming

32. During the reporting period, 149 incidents of killing and maiming of children were documented, in which 113 children were injured, while 36 others lost their lives, their average age being less than 10 years. Others were executed or disappeared, most assumed dead by their families. Child protection agencies have documented at least 37 cases of children considered as disappeared after arrest by the security forces.

1. Government security forces

33. During the conflict, the government security forces frequently failed to respect the principles of distinction and proportionality under international humanitarian law which oblige parties to a conflict to distinguish between civilians and combatants and to take all necessary measures to protect civilians during attacks on military targets. For example, in September 2005, RNA opened fire indiscriminately during an operation in Palpa district on entering Bahadurpur village, injuring two children. In Nepalgunj, in January 2006, a 15-year-old girl was killed by a bullet while she was inside her home as a result of indiscriminate firing by a police patrol. Furthermore, investigations conducted by OHCHR into 13 military operations or clashes that took place between the end of the CPN-M unilateral ceasefire and the beginning of March 2006 showed that as a result of aerial bombardments from helicopters by the National Army, two children were killed and six others injured.

34. Children have also been victims of excessive use of force by the security forces to suppress demonstrations. During the April 2006 protests, monitoring activities clearly established that the three branches of the security forces were responsible for serious human rights violations in the context of policing demonstrations, resulting in massive injuries and loss of life owing to excessive use of force. Two hundred and twenty-four children below the age of 18 were injured from 6 to 24 April while participating in the demonstrations or as bystanders. In Banepa, Kavre district, on 9 April, a 14-year-old boy was among the victims when the National Police opened fire on a crowd of demonstrators. In Kathmandu district, on 20 April, two teenage boys suffered bullet injuries fired by the Armed Police Force at a demonstration in Kalanki. Other similar incidents were documented in Kathmandu, Argakanchi, Banke and Chitwan districts.

2. Communist Party of Nepal-Maoist (CPN-M)

35. CPN-M also fails to distinguish between civilian and military objects. For example, in an incident in Jhapa district, a landmine was planted at Surunga bridge, targeting security forces carrying school examination papers on 5 April 2006. While six security personnel were killed in the subsequent crossfire, two civilians, including a 5-year-old boy, were injured. At the same time, CPN-M increasingly drew the conflict into urban, civilian populated areas without taking adequate measures to protect the civilian populations. Since the April 2006 ceasefire, there have been no cases of children killed or injured as a result of military operations in the context of a conflict.

Mines and improvised explosive devices

36. During the reporting period, there were 63 documented incidents related to explosive devices which killed 29 children and injured 70 others although according to a survey carried out by the Mine Action Unit in the United Nations Children's Fund (UNICEF), the number of such incidents is much larger. The survey, which was carried out during the first six months of 2006, also indicated that children were far more affected than adults and represented 78 per cent of the reported casualties.

37. Most of the incidents related to improvised explosive devices were related to CPN-M activities — owing to devices left behind after military operations. In Panauti, for instance, three children were killed in February 2006 while playing with an improvised explosive device left behind by PLA after an attack that same month. Casualties from incidents involving improvised explosive devices have been reduced, although not entirely eliminated, during the post-ceasefire period, as demonstrated by 28 incidents reported since April 2006. For example, two children were injured in the explosion of a socket bomb, left by CPN-M in a primary school in Tanahu district on 13 May 2006.

D. Attacks on schools and hospitals[5]

38. The years of conflict have had a profound effect on children's education. The period from August 2005 to September 2006 saw continuous violations of the right to education. Task force members have documented 327 violations in 57 of the 75 districts, which are only indicative of the extent of the problem. The abduction or forced participation of pupils and teachers in political indoctrination programmes and rallies, the use of school buildings as army barracks or temporary shelters by both the security forces and CPN-M, the destruction of schools during military operations, the forced closure of educational facilities and the forced and illegal "tax" collection imposed on teachers, and threats by CPN-M against teachers and school administrations are examples of ways in which the right to education has been severely limited.

1. Government security forces

39. Since the April 2006 ceasefire, military attacks in and around educational facilities have stopped. Before then, educational buildings were attacked, sometimes when schoolchildren were present during school hours. For example, in January 2006, members of PLA in Syangja district took refuge in a school while 130 schoolchildren and 5 teachers were present. RNA fired from a helicopter through the classroom window and dropped a bomb nearby, while PLA fired at the helicopter from civilian houses located in the same area. During an aerial attack in Sindhupalchowk district in March 2006, bombs were fired against CPN-M armed elements from helicopters by RNA in a civilian-inhabited area and in close proximity to schools, causing extensive damage to classrooms and school buildings.

40. The occupation of or settlement in the immediate vicinity of educational facilities by parties to the conflict has not helped to keep the conflict away from the schools, as denounced by numerous actors, such as the National Coalition for Children as Zones of Peace, a network of 36 organizations. Some schools have been

[5] There were no reported incidents of attacks on hospitals during the reporting period.

temporarily or more permanently occupied by security forces in various parts of the country, such as in Khotang, Myagdi, Syangja, Tanahu, Bara, Kathmandu, Rukum, Banke and Sindhuli districts. Since the April 2006 ceasefire, most of the facilities occupied by the National Army been vacated, even if the presence of police posts is still reported in some schools, such as the Balmandir Primary School in Sindhuli district.

2. Communist Party of Nepal-Maoist (CPN-M)

41. CPN-M practices have not changed since April 2006. Schools have been used and are still being used for different purposes, ranging from shelter for PLA, as demonstrated in July 2006 by the occupation of a secondary school in Surkhet district, to military training sessions, such as those organized in September 2006 in one school in Kaski district. PLA has routinely set up temporary or mobile base camps, conducted military training and used buildings as canteen, shelter or storage facilities. School premises have been further used to accommodate "people's courts", such as in Kanchanpur in August 2006, or as "detention" facilities, as documented in Bara in May 2006.

42. Teachers have also faced pressure to give part of their salary — one day per month — to CPN-M. Those refusing were reportedly threatened seriously, such as in Kavre (August 2006). Such forced practices were reported in Nuwakot and Kavre (June 2006), Morang (July 2006) and Kathmandu and Sankhuwasabha (September 2006). In a new development, schoolchildren are now also being targeted as part of the CPN-M "donations" campaigns.

E. Sexual violence

43. The incidents of grave sexual violence against children committed by the parties to the conflict documented by the monitoring and reporting task force are very few — seven by security forces and one by CPN-M, although the figure is likely to be much higher. The reported incidents took place in all five regions with half of the victims being younger than 15 years of age.

1. Government security forces

44. Members of security forces were involved in seven incidents. Three victims were raped in the forest, one was drugged and raped for four days by an RNA soldier and two were victims of attempted rapes, one at a fair and one in the field. The last victim is a 16-year-old girl who was sexually assaulted while being interrogated in army custody late in 2005 in the Central region.

2. Communist Party of Nepal-Maoist (CPN-M)

45. One allegation of rape committed by a CPN-M cadre has been documented. In Kanchanpur, a 15-year-old girl was reportedly lured into the jungle in the night on the pretext of meeting a friend. While being raped, her hands were tied and she was threatened with death. When the father complained to CPN-M, they called the victim and perpetrator and took the perpetrator inside a house, where he allegedly confessed to having committed the crime. CPN-M beat him and then reportedly forced the victim to accept that it was consensual sex.

46. Three victims of rape were reportedly pressured by CPN-M not to register the case with the police, arguing that the incidents were under CPN-M investigation. In Siraha district, for example, a 65-year-old civilian handed over by the villagers to CPN-M fled from captivity and the father of the 10-year-old victim was prevented by the community from registering the case with the police.

F. Denial of humanitarian access

1. Government security forces

47. Humanitarian access to health services has been affected by the conflict in a number of ways. Health workers in several districts reported that they were forced into providing "intelligence" on CPN-M activities by government and military officials when visiting district headquarters. Senior officials of the (former) Royal Nepal Army noted to United Nations inter-agency missions in the Eastern Region (March 2006) and Mid-western Region (December 2005) that they routinely blocked the supply of drugs and medical consumables to some rural health posts because of concerns that they "provided military advantage" to CPN-M.

2. Communist Party of Nepal-Maoist (CPN-M)

48. Access to the areas outside the district headquarters has decreased year after year owing to insecurity and the restrictions imposed by CPN-M. Restrictions on non-governmental organization (NGO) activities have been a long-term problem. Approval from the "people's government" had to be obtained prior to carrying on operations, as illustrated by the forced registration of NGOs with CPN-M in Baglung, Morang and Parbat in July 2006. Forced contributions were imposed on NGOs and on humanitarian workers, such as the 5 per cent of monthly salary required from NGO personnel in Dadeldhura in August 2006. Furthermore, humanitarian workers allegedly accused of gathering intelligence for the Government were abducted in Taplejung in November 2005. Other recent challenges include CPN-M interference in staff recruitment and the targeting of specific communities and individual beneficiaries for assistance, which have led to humanitarian programmes facing general access denial in a number of districts, notably in Rolpa district, which falls within the CPN-M "Magarat Autonomous Region", and from where an international health NGO withdrew operations in June 2006.

49. Prior to the April 2006 ceasefire, CPN-M had been found to be demanding around 25 per cent of drugs and other medical consumables from health posts in a number of districts visited by United Nations inter-agency missions, as well as routinely demanding financial contributions of around 5 per cent of salary from health workers. There was almost no monitoring or supervision of health services in areas away from district headquarters, largely as a result of access restrictions imposed by CPN-M.

50. The bandhs imposed by CPN-M have also seriously impacted the development of aid programmes, such as the one imposed in Panchtar for several months as a protest against the establishment of Unified Security Posts. It not only affected the provision of basic supplies to the population but also caused the death of a child who could not be treated on time in hospital. The disruption of essential supplies was also used as a tool to force the civilian population away from strategic areas

such as in Terathum district in March 2006, when CPN-M instructed the whole population to vacate the town and subsequently cut off the water supply. Similar incidents were documented in February 2006 in Jajarkot and Rukum districts.

51. While physical access to most areas of the country has generally improved since April 2006, CPN-M restrictions and demands on programming remain in place in a number of areas and have led to temporary programme suspensions by a number of organizations, including NGOs in Parbat district in August 2006. Despite the ceasefire, CPN-M local leaders still regularly declare that development work implemented through local government will remain blocked in large areas of the countryside until such time as CPN-M is formally included in the interim Government.

52. Joint United Nations advocacy efforts around the basic operating guidelines[6] have been intensive over the reporting period. In December 2005, the CPN-M leadership issued a public statement committing to adherence with the guidelines, which followed a similar commitment made by the Government in July 2005. Systematic contacts with CPN-M at the central and regional levels were established over the reporting period and used to resolve a number of blocks imposed on programming, including when trucks of humanitarian assistance had been hijacked. Despite these positive developments, it is clear that policy directives regarding operational space for humanitarian programmes issued by the central leadership of CPN-M are not fully understood or adhered to by junior Party workers at the local level.

IV. Dialogue, action plans and monitoring and reporting to redress violations of children's rights

A. General coordination on child protection issues

53. The monitoring and reporting task force has been active in the area of monitoring and reporting on the six grave violations listed in the resolution. The members endorsed terms of reference, developed common monitoring practices and agreed on the geographical distribution of tasks. The work of the task force is also linked to service provisions to the victims and most members are engaged in programmatic responses.

54. United Nations agencies and international NGOs are organized in a forum where general child protection matters are discussed and issues are referred to programmatic working groups. Since 2005, a working group, comprising the United Nations, international NGOs and NGOs has been actively coordinating activities undertaken in the area of children associated with armed forces and armed groups. Efforts were made to develop coordinated advocacy and operational responses. Children as Zones of Peace was set up in 2001 to advocate for children's basic rights to survival, development and protection, especially for the protection of children during the conflict. This network is an important vector for information-

[6] In 2003, the United Nations, donors, international NGOs and NGOs developed a set of measurable working principles, basic operating guidelines, based on established and accepted humanitarian principles and international legal standards that those organizations apply and advocate to ensure operational space for humanitarian agencies.

sharing and advocacy efforts, as illustrated by recent meetings conducted with student unions and political parties to prevent the manipulation of children by political actors.

B. Dialogue with the parties

55. Both parties have been constantly reminded of their obligations with regard to the protection of children in the context of the armed conflict. Advocacy efforts have been further expanded since the setting up of the monitoring and reporting task force on children and armed conflict. A dialogue was initiated in early January 2006 with both parties to the conflict about the implementation of resolution 1612 (2005) and a concept paper on the monitoring and reporting mechanism in Nepal and relevant legal documents were shared. Both parties were requested to appoint a contact person to facilitate the exchanges on this matter.

56. Pending the appointment of these focal points, dialogue continued on the ground between task force members and the two parties to the conflict. Within the United Nations system, OHCHR and UNICEF held discussions with both the Government and CPN-M, advocating and providing technical inputs about the inclusion of child protection issues in the various agreements and accords in the course of the peace process. Concerns were also raised about ongoing violations and abuses and about the inclusion of child-specific provisions in the peace negotiations. Similar efforts were deployed by international NGOs and NGOs, such as Children as Zones of Peace, which issued several press statements and a public report on child rights violations committed during the first 100 days of the new Government.

1. Government of Nepal

57. After the initial contacts established by the United Nations Resident Coordinator and the Government of Nepal in January 2006, a meeting finally took place in March 2006 between the Resident Coordinator, UNICEF and OHCHR representatives and the Joint Secretary to the Ministry of Foreign Affairs, following which the mechanism was officially introduced. It was agreed that the Ministry of Foreign Affairs would act as government focal point and that an inter-ministerial working group would be set up in order to have a forum where the reports and outcomes of the monitoring activities could be discussed. After the change of Government in April 2006, further approaches were made to the Peace Secretariat, the Ministry of Foreign Affairs and the Ministry of Children, Women and Social Welfare. The latter Ministry was designated as the new government focal point for all issues related to the monitoring and reporting mechanism. A request was made to set up a working group but no steps have yet been taken in this regard.

2. Communist Party of Nepal-Maoist (CPN-M)

58. Simultaneously, similar efforts were made with the CPN-M leadership, whose representatives acknowledged receipt of the documents in early February 2006 and discussed the implementation of resolution 1612 (2005) with the representative of OHCHR. In March 2006, a joint mission of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and OHCHR met the CPN-M Human Rights, Development and Foreign Relations representative for the Western Region. Despite advocacy efforts and regular contacts undertaken

with CPN-M national leaders since then, a focal point was only appointed in late September 2006.

59. On the basis of commitments expressed by the parties, protection agencies have made repeated attempts to advocate for the release of children with district or national-level CPN-M representatives; most have proved unsuccessful. For instance, 17 children, the youngest of whom is 13 years old, were incorporated into PLA at the end of August 2006 in Dolakha district despite the repeated public protests of their families. While United Nations agencies have been advocating with the different levels of the CPN-M hierarchy, offering to facilitate and support the children's return, no progress was reported as of 30 September. In addition, there has been no progress to date by CPN-M to prevent the use of children or to separate children from their ranks.

C. Follow-up and programmatic responses

1. General child protection initiatives

60. Despite Nepal's ratification of several international instruments, including the Convention on the Rights of the Child, the process of incorporating international treaties into domestic law has yet to begin. The process of depositing a binding declaration by the Government of Nepal to the Optional Protocol to the Convention on the involvement of children in armed conflict is yet to be finalized. The Ministry of Children, Women and Social Welfare has initiated a review of the Children's Act that could strengthen the incorporation of international standards into domestic laws. UNICEF and OHCHR have proposed technical assistance. The same Ministry has also taken the initiative to review the juvenile justice regulations, which are currently far from ensuring the minimum standards of protection for children. In the area of law reform, strong advocacy efforts have been developed by human rights and child rights organizations to review the current legal framework. In particular, the Government of Nepal has been strongly advised to take steps towards the criminalization of the abduction, recruitment and use of children for military purposes, as well as the establishment of a rule of engagement specifically on children for the security forces.

2. Specific initiatives for children associated with armed groups and armed forces

61. Owing to access and previous security constraints, there are fewer programmatic responses for children associated with armed forces and armed groups. Nevertheless, some assistance mechanisms have been put in place for the children who were released by the parties or captured; children were sometimes handed over to child protection organizations. Shelters located mainly in Kathmandu were then able to provide alternatives for those who could not go back to their communities because of security concerns. Some were supported with education or vocational training, while others were assisted so they could return home safely. However, this system will not be sustainable should there be a larger beneficiary group.

62. Under UNICEF coordination, a working group focusing exclusively on issues pertaining to children associated with armed forces and armed groups was established in 2005 with the aim of developing coordinated advocacy efforts. The working group set up operational responses and regularly interacts with both parties.

After the April 2006 ceasefire, child protection agencies increased their efforts to separate children from CPN-M. An inter-agency workshop was held in June 2006 to raise awareness and mobilize stakeholders around the needs of children associated with armed forces and armed groups with the participation of the Government, United Nations agencies, international NGOs and NGOs representatives.

63. In September 2006, a field assessment was conducted by the children associated with armed forces and armed groups working group in six districts, covering four of the five administrative regions targeting the various stakeholders, including children themselves, parents, community leaders, civil society groups, NGOs, State and non-State actors. The objective was to better understand the situation of children who have associated with the armed forces and armed groups and to facilitate the development of a national strategy to respond to the problem. The working group is currently developing a one-year plan, including an initial emergency response mechanism. Efforts are also being deployed to develop working relationships with the Government and CPN-M.

64. So far, it should be highlighted that child protection agencies have faced major difficulties in obtaining the separation of large numbers of children from CPN-M, in actively following up family requests for assistance to get their children out as well as in addressing the continuous and current cases of recruitment.

V. Recommendations

65. The following recommendations are made:

(a) All stakeholders must fully respect applicable international law concerning the protection of children, including in the context of the peace process, and ensure that specific provisions for children are included at all steps of the negotiations;

(b) CPN-M must immediately end the practice of use and recruitment of children, as well as cease any new recruitment of children, and must immediately engage with the United Nations country team for an action plan to ensure transparent procedures for release and verification of all children within the People's Liberation Army and all other CPN-M-affiliated organizations;

(c) CPN-M must immediately cease all occupation and use of schools for political and military reasons, and all parties must ensure that children and teachers are not indoctrinated or forced to take part in political activities;

(d) I urge the Government of Nepal to finalize the process of depositing a binding declaration to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, as well as amending the national framework to ensure the criminalization of recruitment and use of children in the domestic laws;

(e) I call on the Government of Nepal to carry out a review of all juvenile justice regulations with immediate effect, with the assistance of the United Nations country team, to bring them in line with international standards and norms, with the aim of preventing the abuses which were committed in the context of the application of the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO);

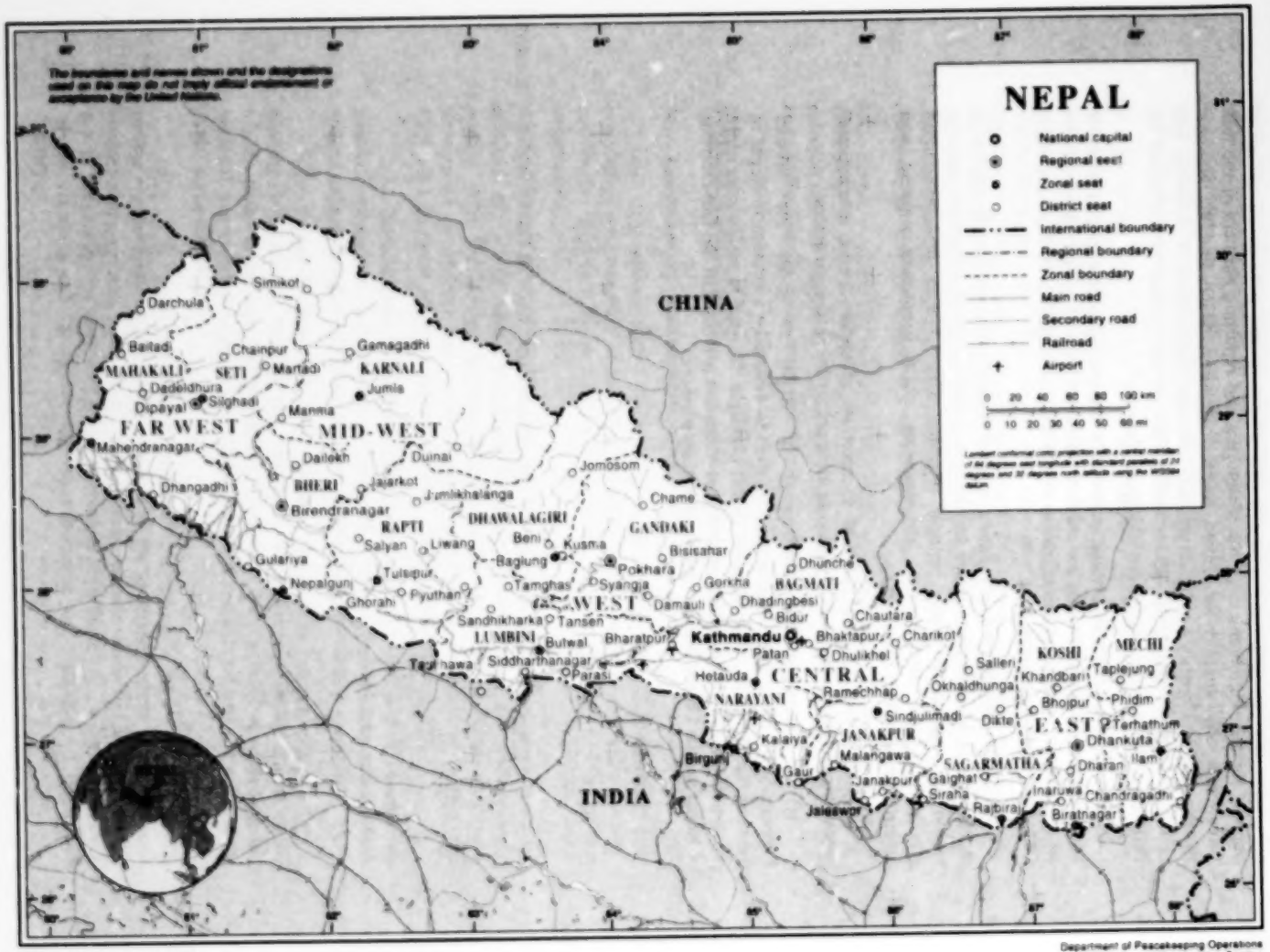
(f) The international community and donors should provide all necessary support for the reinforcement of the monitoring and reporting partners of the task force, inter alia, support for United Nations agencies, NGOs and the National Human Rights Commission, ensuring that adequate information is collected and communicated to appropriate actors and bodies on the impact of violations on children in this new phase of peacemaking in Nepal;

(g) I call on the international community and donors to give special attention and ensure sufficient resources are made available to support programmatic efforts for the release, return and reintegration of children associated with PLA and other CPN-M-affiliated organizations;

(h) The mandate of any future United Nations mission should explicitly incorporate child protection issues and include a specific child protection capacity within the mission to ensure optimal interface with UNICEF and other child protection actors, and provide all necessary child protection training and mainstreaming within that mission;

(i) I particularly urge CPN-M to meet its obligation under international humanitarian law to provide free access to all areas for humanitarian actors;

(j) I encourage the Government of Nepal to invite the Special Representative for Children and Armed Conflict to undertake a mission to Nepal in the near future to help draw attention to and highlight the need to mainstream child protection issues into the transition and post-transition priorities of the Government of Nepal and its United Nations and civil society partners.



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General Assembly
Sixty-first session
Agenda items 13, 81, 87 and 93

The situation in the Middle East

Report of the International Atomic Energy Agency

Establishment of a nuclear-weapon-free zone in the region of the Middle East

Risk of nuclear proliferation in the Middle East

Security Council
Sixty-first year

Identical letters dated 19 December 2006 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I wish to draw attention to the public admission of Israeli clandestine development and unlawful possession of nuclear weapons made by the Israeli regime's Prime Minister in an interview broadcast on a German television network on 12 December 2006.

The inaction imposed on the Security Council over the past several decades in addressing the well-documented illicit nuclear weapons programme by the Israeli regime has given the audacity to its Prime Minister not only to explicitly acknowledge possession of nuclear weapons but even to publicly boast, in the above-mentioned interview, about its dangerous nuclear weapons.

It is indisputable that nuclear weapons in the hands of a regime with an unparalleled record of non-compliance with Security Council resolutions and a long and dark catalogue of crimes and atrocities, such as occupation, aggression, militarism, state terrorism and crimes against humanity, poses a uniquely grave threat to regional as well as international peace and security.

The Israeli regime, as the only obstacle for the establishment of a nuclear-weapons-free-zone in the Middle East, has constantly and obstinately disregarded international demands and concerns repeatedly raised about its clandestine nuclear weapons programme in different forums, in particular in the review conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which have by name called upon the regime to accede to the Treaty immediately and without any condition.

06-67446 (E) 211206

Moreover, the Israeli regime's clandestine development and possession of nuclear weapons not only violate basic principles of international law, the Charter of the United Nations and the Treaty on the Non-Proliferation of Nuclear Weapons, as well as numerous General Assembly and Security Council resolutions, but also clearly defy the demand of the overwhelming majority of the States Members of the United Nations that have, time and again, called on the regime to renounce nuclear weapons and accede to the Treaty.

In this regard, as recently as in September 2006, the Heads of State or Government of 118 members of the Non-Aligned Movement urged the Israeli regime "to renounce possession of nuclear weapons, to accede to the Treaty without delay, to place promptly all its nuclear facilities under the full-scope safeguards of the International Atomic Energy Agency according to Security Council resolution 487 (1981) and to conduct its nuclear-related activities in conformity with the non-proliferation regime". The Non-Aligned Movement members also "expressed great concern over the acquisition of the nuclear capability by Israel, which poses a serious and continuing threat to the security of neighbouring and other States, and condemned Israel for continuing to develop and stockpile nuclear arsenals". The same demands have been also constantly made by the member States of the Organization of the Islamic Conference.

In view of the above, the Security Council should fulfil its Charter-based responsibility to address such a clear and serious threat to international peace and security and take prompt and appropriate actions accordingly. The Council should, inter alia, condemn the Israeli regime's clandestine development and possession of nuclear weapons, compel it to abandon nuclear weapons, urge it to accede to the Treaty without delay and demand that the regime promptly place all its nuclear facilities under IAEA full-scope safeguards. Should the Israeli regime fail to do so, the Council must take resolute action under Chapter VII of the Charter to ensure compliance.

The reversal of the hypocritical policy of "strategic ambiguity" by the Israeli regime has removed any excuse — if there ever was any — for continued inaction by the Council in the face of this actual threat to international peace and security. The reaction of the Security Council will show whether the Council is acting, as obliged under Article 24 of the Charter, on behalf of the members of the international community that have made their views abundantly clear on this issue or whether it is merely a tool for a few permanent members that have made no secret of their policy to allow and even encourage the Israeli regime to persist in its lawless behaviour with impunity.

Peace and stability cannot be achieved in the Middle East while the massive Israeli nuclear arsenal continues to threaten the region and beyond.

I would be grateful if you could have the present letter circulated as a document of the General Assembly, under agenda items 13, 81, 87 and 93, and of the Security Council.

(*Signed*) M. Javad **Zarif**

United Nations S/2006/1009

Security Council

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Letter dated 15 December 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

I have the honour to forward a letter addressed to you, dated 13 December 2006, from Isaias Afwerki, President of the State of Eritrea, concerning the situation in Somalia (see annex).

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

06-67648 (E) 211206

Annex to the letter dated 15 December 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

I refer to your letter of 8 August, the original copy of which I received this week, regarding the events unfolding in Somalia.

As you are aware, Somalia has gone through calamitous state of civil strife and mayhem for the last 15 years. The spiral of internecine war that plagued the country had virtually immobilized the central State, weakened the fabric of the Somali nation and instilled despair and destitution in its people, who were exposed to various types of extortion by the warlords. In spite of its linguistic, cultural and religious homogeneity — something unique in Africa — Somalia was gradually drifting to the brink of fragmentation and Balkanization with the emergence of mini-entities such as Somali-land, Punt-land, Juba-land and Benadir-land. It must be pointed out that external negative intervention by some Powers that had historically sought to weaken and divide Somalia has aggravated this situation.

It was against this backdrop and the emergence of new, promising, realities on the ground aimed at the reconstitution of Somalia that the Intergovernmental Authority on Development (IGAD) convened successive meetings at the Foreign Minister level in June and August this year. As you have rightly emphasized, the thrust of the decision of the IGAD Foreign Ministers meeting was to promote the advent of sustainable peace in Somalia by supporting the dialogue initiated in Khartoum under the auspices of the Government of the Sudan.

Of course, we cannot pretend that there was consensus among IGAD member States in regard to the political realities obtaining in Somalia. But it must be underlined that there was no tacit or explicit understanding to deploy a "peacekeeping force" in support of one faction or to request a partial lifting of the arms embargo. Several IGAD member States, including Eritrea, in fact insisted that any peacekeeping arrangement, if necessary, would be a sequel to, and contemplated after the achievement of, a viable framework for a political and peaceful solution. Practical arrangements for a peacekeeping force were considered merely on a contingency basis, and for eventual reactivation when and if this would be necessary under the conditions of a viable framework of peace agreed to by the Somali parties.

In view of these realities, it is clear that the substance of Security Council resolution 1725 (2006), adopted on 6 December 2006, does not reflect the unified position of IGAD. And in practice, it can only undermine all constructive efforts under way aimed at promoting peace and stability, which, as you stated, would have had beneficial implications not only for the long-suffering people of Somalia but also for the region as a whole.

In the event, I urge you to ensure that the United Nations does not become a party to a misguided approach that will sow further conflict and suffering in Somalia and the region as a whole to advance the interests of some parties, in contravention of the principles and ideals enunciated in the Charter of the United Nations.

(*Signed*) Isaias **Afwerki**